



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency:
DEPARTMENT OF SERVICES FOR THE BLIND

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: 11 November 1998

(2) Purpose:
Modifying current Vocational Rehabilitation WACs

(3) Citation of existing rules affected by this order:
Repealed:
Amended:
Suspended:

(4) Statutory authority for adoption:
Other authority: Chapter 74.18 RCW JM

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
Adopted under notice filed as WSR ~~98-15-048~~ 98-19-016 on ^{September 8} July 9, 1998 (date).
Describe any changes other than editing from proposed to adopted version:
None

EMERGENCY RULE ONLY
Under RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY
Under Preproposal Statement of Inquiry filed as WSR ~~98-15-048~~ JM on July 9, 1998 (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If Yes, explain:

(6) Effective date of rule:
Permanent Rules
or Expedited Rule Making
 31 days after filing
 Other (specify) _____
Emergency Rules
 Immediately
 Later (specify) _____
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)
Fabricia Anderson
SIGNATURE
Fabricia Anders
TITLE
Executive Assistant
DATE
11-16-98

CODE REVISER USE ONLY

CODE REVISER USE ONLY
STATE OF WASHINGTON

NOV 17 1998

TIME: 1:36 PM
WSR: 98-23-078

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New _____	Amended <input checked="" type="checkbox"/>	Repealed _____
Federal rules or standards:	New _____	Amended <input checked="" type="checkbox"/>	Repealed _____
Recently enacted state statutes:	New _____	Amended <input checked="" type="checkbox"/>	Repealed _____

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New _____ Amended _____ Repealed _____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended Repealed _____

The number of sections adopted using:

Negotiated rule making:	New _____	Amended <input checked="" type="checkbox"/>	Repealed _____
Pilot rule making:	New _____	Amended _____	Repealed _____
Other alternative rule making:	New _____	Amended _____	Repealed _____

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-005 Definitions. (1) "Act" or "the law," except when context indicates otherwise, means the Rehabilitation Act of 1973 (29 U.S.C. Section 701 et seq.), as amended.

(2) "Applicant" means an individual who has submitted to the department an application or letter requesting vocational rehabilitation services in accordance with WAC 67-25-010.

(3) "Assessment" means one or more of the following as appropriate in each case:

(a) A preliminary assessment to determine eligibility of an individual with a disability for vocational rehabilitation services;

(b) A comprehensive vocational assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services, in the most integrated setting possible, consistent with the individual's informed choice. The assessment will be used to determine, with the individual, the employment objective to be achieved, and a detailed plan of services needed to attain an employment outcome;

(c) An extended evaluation, for a total period not exceeding eighteen months, if there is a question about the applicant's ability to benefit in terms of an employment outcome from vocational rehabilitation services due to severity of the disability.

(4) "Client assistance program (CAP)" means a program, authorized under Section 112 of the act, which assists individuals with disabilities to receive vocational rehabilitation services by providing information and advocacy.

(5) "Community rehabilitation program" means a program that provides directly or facilitates the provision of one or more vocational rehabilitation services which enable individuals with disabilities to maximize opportunities for employment, including career advancement. Services include:

(a) Medical, psychiatric, psychological, social, and vocational services provided under one management;

(b) Testing, fitting, or training in the use of prosthetic and orthotic devices;

(c) Recreational therapy;

(d) Physical and occupational therapy;

(e) Speech, language and hearing therapy;

(f) Psychiatric, psychological and social services, including positive behavior management;

(g) Assessment for determining eligibility and vocational rehabilitation needs;

- (h) Rehabilitation technology;
- (i) Job development, placement, and retention services;
- (j) Evaluation or control of specific disabilities;
- (k) Assessment and training in adaptive skills of blindness;
- (l) Extended employment;
- (m) Psychosocial rehabilitation services;
- (n) Supported employment services and extended services;
- (o) Services to family members when necessary for the vocational rehabilitation of the participant;
- (p) Personal assistance services; or
- (q) Services similar to those described in (a) through (p) of this subsection.

(6) "Competitive employment" means work that:

(a) In the competitive labor market is performed on a full-time or part-time basis in an integrated setting; and

(b) For which an individual is compensated at or above the minimum wage, but not less than the customary or usual wage paid by the employer for the same or similar work performed by individuals who are not disabled.

(7) "Department of services for the blind" means the legal authority in its entirety:

(a) "Advisory council" means the members appointed by the governor as the vocational rehabilitation advisory council.

(b) "Department" means the agency which carries out the operations of the Washington department of services for the blind.

~~((7))~~ (8) "Director," except when the context indicates otherwise, means the director of the department of services for the blind.

~~((8))~~ (9) "Eligible" or "eligibility certification," when used in relation to an individual's qualification for vocational rehabilitation services, means a certification that:

(a) The individual is legally blind or has a visual impairment which alone or combined with other disabilities results in a substantial impediment to employment; and

(b) Vocational rehabilitation services are required for the individual to prepare for, enter, engage in, or retain gainful employment.

~~((9))~~ (10) "Employment outcome" means entering or retaining:

(a) Full-time or, if appropriate, part-time competitive employment (including supported employment) in the integrated labor market;

(b) Self-employment;

(c) Business enterprises;

(d) Homemaking;

(e) Farm or family work (including work for which payment is in kind rather than in cash);

(f) Extended employment; or

(g) Other employment consistent with the participant's abilities, capabilities, interests, and informed choice, as supported by an assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-255 and 67-25-257.

~~((10))~~ (11) "Individual with a disability" for purposes of

this chapter means an individual who:

(a) Has a physical or mental impairment which results in a substantial impediment to employment; and

(b) Can benefit in terms of an employment outcome from vocational rehabilitation services.

~~((11))~~ (12) "Individual with a severe disability" means an individual:

(a) Who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(b) Whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(c) Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle-cell anemia, specific learning disabilities, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs.

~~((12))~~ (13) "Individual's representative" means a parent, guardian, family member, advocate, or other representative authorized by the participant.

~~((13) "Integrated setting" means a setting in which the majority of people, excluding service providers, with whom a participant interacts are individuals who are not disabled.)~~

(14) "Integrated setting" means a setting typically found in the community in which an individual with a disability, including those with the most severe disabilities, interacts with nondisabled individuals, other than service providers, to the same extent that nondisabled individuals in comparable settings interact with other persons.

(15) "Legal blindness" means a physical impairment defined as:

(a) Central visual acuity of 20/200 or less in the better eye with correcting lenses; or

(b) A field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance of no greater than 20°.

~~((15))~~ (16) "Medical consultant" means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers concerning the medical aspects of rehabilitation, usually reviewing and discussing medical problems of individual participants.

~~((16))~~ (17) "~~Ophthalmological~~ Ophthalmic consultant" means a physician, licensed pursuant to chapters 18.57 and 18.71

RCW specializing in diseases of the eye, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

~~((17))~~ (18) "Participant" means any individual with a disability:

(a) Who has applied for vocational rehabilitation services from the department; and

(b) For whom services have not been denied or terminated by the department.

~~((18))~~ (19) "Physical or mental impairment" means an injury, disease, or other disorder that materially reduces, or if not treated will probably result in materially reducing, mental or physical functioning. The term "physical impairment" includes legal blindness and/or visual impairment.

~~((19))~~ (20) "Rehabilitation teacher" (RT) means an employee of the department who has responsibility to:

(a) Provide or supervise the provision of all vocational rehabilitation services to participants with a vocational objective of homemaker; and

(b) Provide adaptive skills of blindness assessment and training to all vocational rehabilitation participants as needed.

~~((20))~~ (21) "Rehabilitation technology" means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(22) "Residence" or "residency" means, for purposes of this chapter, voluntarily living in the state for other than temporary reasons at the time of application.

~~((21))~~ (23) "Special modes of communication" means specialized media systems for individuals with disabilities including:

(a) Interpreters, open and closed captioned videos, and use of specialized services such as telecommunication devices and relay services for individuals who are deaf or hearing impaired;

(b) Materials in Braille, large print, or audio recordings for individuals who are blind; and

(c) Special materials for individuals who are deaf-blind.

~~((22))~~ (24) "Substantial impediment to employment" means ~~((that))~~ a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) which impedes an individual's occupational performance, by hindering or by preventing him or her from obtaining, retaining, or preparing for employment consistent with his or her capacities and abilities.

~~((23))~~ (25) "Visual impairment" for purposes of this chapter, means a physical condition defined as follows:

(a) Visual acuity in the best eye between 20/200 and 20/70 with correction; or

(b) Angle of vision subtends between 20° and 30°; or

(c) Severe functional visual problem; or

(d) A progressive condition which ultimately will lead to a visual impairment or to legal blindness.

((+24+)) (26) "Vocational rehabilitation counselor" (VRC) means an employee of the department who has direct responsibility for providing or supervising the provision of all vocational rehabilitation services to a participant.

((+25+)) (27) "Vocational rehabilitation services" means any goods or services necessary for a participant to achieve an employment outcome. (See WAC 67-25-350 for description and limitations.)

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-255 Comprehensive assessment. (1) To the extent necessary, there shall be a comprehensive assessment of the unique strengths, resources, priorities, interests, and needs of the participant conducted in the most integrated setting possible, consistent with the informed choice of the individual.

(2) The comprehensive assessment must be limited to information necessary to identify the rehabilitation needs and develop the rehabilitation program with the individual, and may, if necessary, include:

(a) A comprehensive analysis of pertinent medical, psychiatric, psychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors affecting the employment and rehabilitation needs of the individual;

(b) An analysis of the individual's personality, interests, interpersonal skills, intelligence and related functions, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities;

(c) An appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance;

(d) ~~((An assessment of the individual's capacities))~~
Assessment of the need for the provision of rehabilitation technology services to an individual with a disability to develop the capacities of the individual to perform in a work environment, including in an integrated setting, to the maximum extent feasible ~~((and))~~; consistent with the individual's informed choice.

(3) The comprehensive assessment shall, to the maximum extent possible and appropriate, be based on existing information provided by the individual and by the individual's family in accordance with confidentiality requirements.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-260 Individualized written rehabilitation program.

(1) The individualized written rehabilitation program shall be designed to achieve the employment objective of the participant consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual. To the extent possible, consistent with the informed choice of the individual, the program shall include placement in an integrated setting.

(2) The program shall include:

(a) The individual's long-term vocational goal based on the assessment for determining vocational rehabilitation needs and the career interests of the individual;

(b) Specific and measurable intermediate rehabilitation objectives to achieve the vocational goal, based on the assessment for determining vocational rehabilitation needs;

(c) Specific vocational rehabilitation services to be provided to achieve the intermediate rehabilitation objectives;

(d) Projected initiation dates and the anticipated duration of each service;

(e) Objective criteria, and an evaluation procedure and schedule to determine whether goals and objectives are being achieved;

(f) The views of the individual, in the words of the individual, or, as appropriate, in the words of the individual's representative, describing how he or she was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services, including alternatives in integrated settings;

(g) How, to the maximum extent possible, information will be provided to the individual, or if appropriate, to the individual's representative, in his or her native language or using special modes of communication;

(h) Terms and conditions for provision of vocational rehabilitation services, including:

(i) Responsibilities of the individual in implementing the program;

(ii) The extent to which goods and services shall be provided in integrated settings, consistent with the informed choices of the individual;

(iii) The extent to which comparable services and benefits are available to the individual under any other program;

(iv) The entity or entities that will provide services and the process used to provide or procure services;

(i) Assessment of the expected need for post-employment

services and, if appropriate, extended services, including provision for reassessment of these needs prior to the individual's successful rehabilitation;

(j) Information regarding the right to appeal any decision made on behalf of the individual by the department including the procedure for administrative review, fair hearing, and judicial review; ~~((and))~~

(k) A description of client assistance program services; and

(1) The basis on which the individual is determined to have achieved an employment outcome.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-270 Individualized written rehabilitation program--

Participation of the individual. (1) The individualized written rehabilitation program (IWRP) shall be jointly developed, agreed upon, and signed by:

(a) The participant, or as appropriate, the participant's representative; and

(b) The vocational rehabilitation counselor or other appropriate staff members ~~((and the participant, or as appropriate, the individual's representative))~~.

(2) Participants must take an active role in their own rehabilitation programs, including making meaningful and informed choices about the selection of vocational goals, intermediate objectives, ~~((and))~~ the vocational rehabilitation services they receive, service providers, and methods of procuring services.

(3) Substantive changes to the IWRP must also be jointly made and agreed upon by the participant and staff members.

(4) A copy of the individualized written rehabilitation program and copies of any revisions and addendums shall be provided in appropriate alternative format, in the individual's native language, to the participant or, as appropriate, to the individual's representative ~~((, in the individual's native language using special modes of communication as necessary))~~.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-288 Individualized written rehabilitation

program--Termination--Notification of rights. ~~((The department shall provide written notification, in the individual's native language or using special modes of communication if appropriate, to~~

~~every individual who has applied for services when a determination is made to terminate services to the individual. The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the participant of his or her right to an administrative review in accordance with WAC 67-25-560, a fair hearing in accordance with WAC 67-25-570, and judicial review of the decision. A description of client assistance program services shall also be provided.))~~
Upon termination, the individual will be informed in writing and in the appropriate alternative format and/or other appropriate mode of communication of his/her rights and the means by which he/she may express and seek remedy for his/her dissatisfactions, including recourse to the client assistance program, the opportunity for an administrative review in accordance with WAC 67-25-560 and a fair hearing in accordance with WAC 67-25-570.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-350 Vocational rehabilitation--Services provided.
Each eligible participant shall be provided vocational rehabilitation services, identified during the preliminary and comprehensive vocational assessments, consistent with the individual's informed choice, necessary for the individual to achieve an appropriate employment outcome. Services may include:

- (1) Assessment to determine (~~vocational rehabilitation needs~~) the individual's skills, abilities, interests, priorities, needs, and how these relate to selection of meaningful employment in accordance with WAC 67-25-255 and 67-25-257;
- (2) Vocational rehabilitation counseling and guidance in accordance with WAC 67-25-380;
- (3) Referral and related services to help participants secure needed services from other agencies, including referral to the client assistance program;
- (4) Physical and mental restoration services in accordance with WAC 67-25-384;
- (5) Vocational and other training in accordance with WAC 67-25-388, 67-25-390, 67-25-394, 67-25-396, and 67-25-398, subject to limitations in WAC 67-25-360;
- (6) Maintenance in accordance with WAC 67-25-400;
- (7) Transportation in connection with the provision of vocational rehabilitation services in accordance with WAC 67-25-404;
- (8) Services to family members in accordance with WAC 67-25-408;
- (9) Interpreter and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind in accordance with WAC 67-25-412;

- (10) Reader/driver services in accordance with WAC 67-25-408;
- (11) Assessment and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;
- (12) Recruitment and training services to develop new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public service employment in accordance with WAC 67-25-440;
- (13) Job search and placement assistance, and job retention services in accordance with WAC 67-25-440;
- (14) Supported employment services in accordance with WAC 67-25-436;
- (15) Personal assistance services, including training in managing, supervising, and directing these services in accordance with WAC 67-25-418;
- (16) Post-employment services in accordance with WAC 67-25-444;
- (17) Occupational licenses, tools, equipment, initial stocks, and supplies in accordance with WAC 67-25-448;
- (18) Rehabilitation technology and telecommunications services in accordance with WAC 67-25-448;
- (19) Transition services for students in accordance with WAC 67-25-399;
- (20) Other goods and services necessary for the participant to achieve an employment outcome in accordance with WAC 67-25-452.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-384 Vocational rehabilitation services--Physical and mental restoration services.

(1) Physical and mental restoration services shall be provided to a participant under an individualized written rehabilitation program when the vocational rehabilitation counselor or rehabilitation teacher, in consultation with the medical or (~~(ophthalmological)~~) ophthalmic consultant as appropriate, determines that such services are likely, within a reasonable period of time, to substantially correct or modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment for the participant.

(2) All authorized physical and mental restoration services shall be provided by qualified physicians, dentists, or other health professionals licensed in the state.

(3) When receiving physical and mental restoration services, the participant may choose the physician or other health professional and appropriate facilities from those licensed in the state. Service providers and facilities (~~(must be willing to)~~) may, but are not required to, accept reimbursement in accordance with the *Washington State Department of Social and Health Services*

Schedule of Maximum Allowances and Program Descriptions.

(4) Physical and mental restoration services may be provided to a participant during extended evaluation if it is necessary to stabilize or halt progression of a chronic illness for purposes of determining eligibility.

(5) Physical and mental restoration services include but are not limited to:

- (a) Surgical and therapeutic treatment;
- (b) Diagnosis and treatment for mental or emotional disorders;
- (c) Dental treatment;
- (d) Nursing services;
- (e) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;
- (f) Convalescent or nursing home care;
- (g) Drugs and supplies;
- (h) Prosthetic, orthoptic or other assistive devices;
- (i) Eyeglasses and ((vision-related)) visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by qualified medical practitioners;

- (j) Podiatry;
- (k) Physical therapy;
- (l) Occupational therapy;
- (m) Medical or medically-related social work services;
- (n) Speech or hearing therapy;
- (o) Special services ((+)) for the treatment of individuals with end-stage renal disease, including transplantation and dialysis((+)), artificial kidneys, and supplies ((necessary for treatment of individuals with end-stage renal disease));

(p) Treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment.

(6) Physical and mental restoration services shall be provided only after consideration of comparable services and benefits except as specified in WAC 67-25-360.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-540 Individualized written rehabilitation program-- Successful rehabilitation. (1) An individual shall be considered successfully rehabilitated when he or she has maintained an employment outcome for at least ((~~sixty~~)) ninety days that is:

- (a) The result of services provided under an individualized written rehabilitation program;
- (b) Commensurate with the individual's abilities,

capabilities, interests, and informed choice; and

(c) As often as possible, employment achieved is competitive as defined by being compensated at or above the minimum wage and that the individual's wage and level of benefits are not less than that paid by the employer for the same or similar work performed by nondisabled individuals;

(d) In the most integrated setting possible, consistent with the individual's informed choice; and

(e) Considered to be a satisfactory employment outcome by both the participant and counselor, who also agree that the participant is performing satisfactory on the job.

(2) The individual shall be notified of the termination decision and appeal procedures in accordance with WAC 67-25-288.

AMENDATORY SECTION (Amending WSR 95-06-057, filed 2/28/95, effective 3/31/95)

WAC 67-25-550 Confidential information--Protection, use and release. (1) Confidential information refers to all documented and undocumented personal information, including lists of names and photographs, about any past or present participant in the vocational rehabilitation program, given or made available to the department, its representatives, or its agents in the course of the administration of the program.

(2) Participants, their representatives as appropriate, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal information and policies governing its use. This information shall be provided to the participant or to the individual's representative in the individual's native language (~~or~~), in the appropriate alternative format, or using special modes of communication if appropriate and shall include:

(a) Identification of the authority under which information is collected;

(b) Explanation of the principal purposes for which the department intends to use or release information;

(c) Explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;

(d) Identification of those situations where the department requires or does not require informed written consent of the individual before information may be released; and

(e) Identification of other agencies to which information is routinely released.

(3) All personal information must be used only for purposes directly connected with the administration of the vocational rehabilitation program. Personal information shall not be shared with (~~advisory or other bodies~~) an organization, agency or

individual not having official responsibility for administration of the program, except as provided for in subsection (6) of this section.

(4) Except as provided in (a) and (b) of this subsection, the department shall, upon receipt of a written request by a participant, release all information in that individual's record, to the individual or the individual's representative within fifteen working days.

(a) Medical, psychological, or other information that the department determines may be harmful to the individual may not be released directly to the individual, but must be provided to the individual's representative or ~~((released through a qualified medical or psychological professional))~~ to a qualified medical or psychological professional or to a person appointed by the court to act as that individual's representative.

(b) Personal information obtained from service providers and cooperating agencies under assurances that the information shall not be further divulged may be released only under conditions established by the other agency or organization except as provided in subsections (5) and (6) of this section.

(5) The participant may request that misleading or inaccurate information in the individual's record of services be amended and to have the request documented in the individual's file.

(6) Personal information may be released to an organization, agency, or individual ~~((the))~~ for purposes of audit, evaluation, or research directly connected with administration of the vocational rehabilitation program, such as the department's advisory council or for purposes that would significantly improve the quality of life for participants, and only if the organization, agency, or individual assures that:

(a) Information shall be used only for the purposes for which it is being provided;

(b) Information shall be released only to persons officially connected with the audit, evaluation, or research;

(c) Information shall not be released to the participant;

(d) Information shall be managed in a manner to safeguard confidentiality; and

(e) The final product shall not reveal any personal identifying information without the informed written consent of the participant or the individual's representative.

~~((6))~~ (7) The department may release personal information to other agencies and programs under the following conditions:

(a) Upon receiving the informed written consent of the participant, or, the individual's representative if appropriate, the department may release personal information to another agency or organization only to the extent that the information may be released to the participant, and only to the extent that the agency or organization demonstrates that the information requested is necessary for its program.

However, medical or psychological information that the department determines may be harmful to the individual may be released if the agency or organization assures the department that information shall be used only for the purpose for which it is

being provided shall not be released to the participant.

(b) The department shall release personal information if required by federal law or regulation.

(c) The department shall release personal information in response to investigations in connection with law enforcement, fraud, or abuse, unless expressly prohibited by federal or state laws or regulations, (~~and~~) or in response to judicial order.

(d) The department may release personal information to protect the participant or others if the individual poses a threat to his or her safety or to the safety of others.