

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. 82-08

(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

Amendatory sections: WAC 67-40-010 Purpose--Description; WAC 67-40-015 Prevention--Staff Ophthalmologist; WAC 67-40-016 Prevention--Eye Physicians Advisory Committee

New section: WAC 67-40-021 Cooperative Agreement with Department of Social and Health Services

Repealers: WAC 67-40-020 Prevention--Eligibility; WAC 67-40-025 Prevention--Medical Eligibility; WAC 67-40-050 Prevention--Services Provided;

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

(Over)

This action is taken pursuant to Notice No. \_\_\_\_\_ filed with the code reviser on \_\_\_\_\_ 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, the Washington State Commission for the Blind, 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: The program, as it is presently operated, has nearly exhausted its funds. Changes in the rules would allow the Commission to arrange for payment of services through some other means and to limit services to comply with the limitations which may be attached to other funding sources. These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026 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.

[X] (b) This rule is promulgated pursuant to RCW 74.16.450 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)

[X] (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.

STATE OF WASHINGTON APPROVED AND ADOPTED FILED

September 18, 19 82

SEP 20 1982

By Paul Wziedzie

Director

Title

CODE REVISER'S OFFICE

WSR 82-19-071

NOTE:

<sup>1</sup>RCW 34.04.026 provides:

"(1) In addition to the provisions of RCW 34.04.025(1)(a)(i), every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW \_\_\_\_\_ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW \_\_\_\_\_."

(2) The code reviser is directed to develop a format for placing such specific language in each rule, and agencies shall then comply with the code reviser's direction, and shall include the same in the final rule.

(3) During the promulgation hearings process the public may question whether such rule should have a more specific reference, and the agency shall, pursuant to RCW 34.04.025(1)(b), give consideration to such requests."

Repealers (cont.)

WAC 67-40-060 Prevention--Services Not Provided; WAC 67-40-070 Prevention--Authorizations and Billings; WAC 67-40-440 Prevention of Blindness.

STATE OF WASHINGTON  
FILED

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CODE REVISER'S OFFICE

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AMENDATORY SECTION (AMENDING ORDER 82-06, FILED 8/4/82)

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~~)) ASSURE ESTABLISHMENT AND MAINTENANCE OF SUCH SERVICES AS MAY PREVENT BLINDNESS; TO ASSIST IN DETERMINING THE CAUSES OF BLINDNESS; AND TO INAUGURATE AND COOPERATE IN ANY PREVENTATIVE MEASURES AS MAY APPEAR PRACTICABLE. THE COMMISSION SHALL ARRANGE FOR THE EXAMINATION AND NECESSARY TREATMENT FOR BLIND OR PARTIALLY-BLIND PERSONS WHO ARE UNABLE TO PAY FOR SUCH SERVICES.

AMENDATORY SECTION (AMENDING ORDER 82-06, FILED 8/4/82)

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~~)) WILL PROVIDE A MEDICAL BENEFIT IN PREVENTING BLINDNESS.

AMENDATORY SECTION (AMENDING ORDER 82-06, FILED 8/4/82)

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 67-40-021 COOPERATIVE AGREEMENT WITH DEPARTMENT OF SOCIAL AND HEALTH SERVICES. THE PREVENTION OF BLINDNESS PROGRAM WILL BE PROVIDED COOPERATIVELY WITH THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. AN AGREEMENT WHICH SPECIFIES THE RESPECTIVE DUTIES AND RESPONSIBILITIES OF EACH AGENCY WILL BE CONTROLLING. THE DIRECTOR SHALL HAVE THE AUTHORITY TO NEGOTIATE AND SIGN THE AGREEMENT, SUBJECT TO RATIFICATION BY THE COMMISSION BOARD WITHIN NINETY (90) DAYS OF SIGNING.

THIS AGREEMENT MAY INCLUDE A DESCRIPTION OF SERVICES WHICH ARE PROVIDED TO BLIND AND PARTIALLY BLIND PERSONS, PROVIDE FOR MEDICAL REVIEWS, PAYMENT OF COSTS OF ADMINISTRATION AND SERVICES, AND PROVIDE FOR COORDINATION OF THE PREVENTION OF BLINDNESS PROGRAM WITH OTHER PROGRAMS SERVING THE NEEDS OF BLIND INDIVIDUALS.

## REPEALER

THE FOLLOWING SECTIONS OF THE WASHINGTON ADMINISTRATIVE CODE  
ARE EACH REPEALED:

- (1) WAC 67-40-020 PREVENTION--ELIGIBILITY.
- (2) WAC 67-40-025 PREVENTION--MEDICAL ELIGIBILITY.
- (3) WAC 67-40-050 PREVENTION--SERVICES PROVIDED.
- (4) WAC 67-40-060 PREVENTION--SERVICES NOT PROVIDED.
- (5) WAC 67-40-070 PREVENTION--AUTHORIZATIONS AND BILLING.
- (6) WAC 67-40-440 PREVENTION OF BLINDNESS.