

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF SERVICES FOR THE BLIND

(agency name)

Administrative Order No. 83-05

(1) I, Paul Dziedzic, director of Department of Services for the Blind

do promulgate and adopt at 921 Lakeridge Drive, Olympia, Washington 98504 (place)

the annexed rules relating to:

Chapter 67-75 WAC, Independent Living Services

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

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.

I, Paul Dziedzic, 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:

To have these rules in effect until permanently adopted in the near future.

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. [] (b) 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)

XX (c) This rule is promulgated under the general rule-making authority of the Department of Services for the Blind (agency)

as authorized in RCW Chapter 194, Laws of 1983, Section 18

(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 agency, 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 ADORNE FILED

OCT 19 1983

October 19 19 83

By Paul Dziedzic Paul Dziedzic

Director Title

CODE REVISER'S OFFICE WSR 83-21-078

Chapter 67-75 WAC

INDEPENDENT LIVING SERVICES

NEW SECTION

WAC 67-75-010 PURPOSE AND DEFINITION. The authority for independent living services is established in section 18, chapter 194, Laws of 1983. The purpose of this program is to provide independent living services designed to meet the current and future needs of blind individuals who currently are not feasible for vocational rehabilitation and who need services in order to function more independently in their living environment.

NEW SECTION

WAC 67-75-020 REFERRAL FOR SERVICES. (1) Referrals of elderly blind individuals, blind individuals with significant other medical problems, and blind multiply handicapped individuals shall be accepted from all sources.

(2) All referrals to the independent living program shall be made through the department of services for the blind.

(3) Department personnel may refer individuals to the independent living program as a result of reviewing current and past cases which have been found to be ineligible for vocational rehabilitation services.

NEW SECTION

WAC 67-75-030 INITIAL INTERVIEW. (1) The department shall interview all new referrals to the independent living program as soon as possible following referrals.

(2) At the initial interview the interviewer shall:

(a) Explain to the individual the nature and scope of available services as they relate to the individual's need;

(b) Inform the individual of the right to confidentiality of information possessed by the department;

(c) Obtain any information necessary in determining eligibility for independent living services.

NEW SECTION

WAC 67-75-040 ELIGIBILITY CRITERIA. (1) Eligibility for independent living services shall be dependent on documentation of a visual impairment including one or more of the following conditions:

(a) Legal blindness or visually handicapped as they are customarily defined either in terms of a qualifying reduction in visual acuity and/or a qualifying reduction in visual field.

(b) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.

(c) Reduction in both visual acuity and visual fields is such that the effect is substantially that of legal blindness, or visual efficiency is reduced so as to have substantially the same effect as legal blindness.

(d) A visual impairment which makes it impossible for the individual to compete successfully in one or more of life's functions.

(2) In order to be eligible for the independent living program the department must show documented proof that the individual is not eligible for vocational rehabilitation services because of

(a) a condition related to advanced age,

(b) a progressive medical condition, or

(c) a multiple handicap.

(3) Potential to benefit from services provided by independent living in terms of increased life options, greater participation in the community, or increased self-reliance.

NEW SECTION

WAC 67-75-050 INDEPENDENT LIVING SERVICES--SERVICES PROVIDED. Services provided by the independent living program shall include:

(1) Internal services provided through the rehabilitation teaching staff such as:

(a) Intake interview and counseling;

(b) Needs assessment;

(c) Specific skills teaching;

(d) Referral to other resources;

(2) External services purchased by the department from community based service delivery systems such as:

(a) Intake interview and counseling;

(b) Needs assessment;

(c) Specific skills teaching;

(d) Medical consultation;

(e) Occupational therapy/physical therapy;

(f) Information and referral;

(g) Advocacy in all sectors of society to maximize opportunities for access in social, recreational, medical/health care facilities.

NEW SECTION

WAC 67-75-060 TERMINATION OF SERVICES. Independent living services shall be terminated when a client:

(1) Has died.

(2) Cannot be located by the department after reasonable efforts to do so.

(3) Has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time.

(4) Has moved to another jurisdiction and the department has been unable either to continue provision of services or to refer the individual to an appropriate agency within the other jurisdiction.

(5) Removes himself for consideration by declining to accept or utilize independent living services after all reasonable efforts have been expended to encourage participation.

(6) Completes a program of services as planned.

NEW SECTION

WAC 67-75-070 ADMINISTRATIVE REVIEW. (1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents with regard to the independent living case may file a request with the department for, and shall thereupon receive, an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing.

(3) All requests for administrative review shall:

(a) Specify the date of the decision or action being appealed.

(b) Specify as precisely as possible the issue to be resolved by the administrative review.

(c) Set forth the address of the client or of his representative.

(d) Be signed by the client or by his representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.

(5) An administrative review and redetermination shall be provided by the director's designee, and shall be provided within thirty days after the submission of the request for review.

(6) Within fifteen days after the conclusion of the administrative review the designee shall certify his findings to the client in writing specifying in reasonable detail the reasons for his findings and informing the client of his right to request and receive a fair hearing if dissatisfied with those findings.

NEW SECTION

WAC 67-75-075 FAIR HEARING. (1) Any client dissatisfied with the finding of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the department of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the Department of Services for the Blind at 921 Lakeridge Drive, Olympia, WA 98504, who will forward it to the office of administrative hearings.

(3) The administrative law judge will make a proposed decision to the director of the department of services for the blind who will make a final determination.

(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.

(5) A client not satisfied with the decision of the director may request a review of the director's decision by the secretary of the federal education department.