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Title 490 WAC

WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD ALSO VOCATIONAL REHABILITATION (SOCIAL AND HEALTH SERVICES, DEPT. OF)

Chapters

490-500 Vocational rehabilitation and services for individuals with disabilities.

Chapter 490-500 WAC

VOCATIONAL REHABILITATION AND SERVICES FOR INDIVIDUALS WITH DISABILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 490-500-020 Preliminary diagnostic study. [Order 1050, § 490-500-020, filed 8/29/75; Order 775, § 490-500-020, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-060 Criteria for the severely handicapped. [Statutory Authority: RCW 28A.10.025. 83-17-100 (Order 2004), § 490-500-060, filed 8/23/83; Order 1050, § 490-500-060, filed 8/29/75.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-075 Extended evaluation—Eligibility criteria. [Order 1050, § 490-500-075, filed 8/29/75; Order 775, § 490-500-075, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-077 Certification for extended evaluation to determine rehabilitation potential. [Order 1050, § 490-500-077, filed 8/29/75.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-085 Extended evaluation—Services provided. [Order 1050, § 490-500-085, filed 8/29/75; Order 775, § 490-500-085, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-090 Extended evaluation—Services not provided. [Order 775, § 490-500-090, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-095 Extended evaluation—Duration and scope of services. [Order 1050, § 490-500-095, filed 8/29/75; Order 775, § 490-500-095, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-100 Extended evaluation—Assessment. [Order 1050, § 490-500-100, filed 8/29/75; Order 775, § 490-500-100, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-105 Extended evaluation—Revision of program. [Order 1050, § 490-500-105, filed 8/29/75; Order 775, § 490-500-105, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-110 Extended evaluation—Termination. [Statutory Authority: RCW 74.29.025. 84-18-023 (Order 2146), § 490-500-110, filed 8/29/84; Order 1050, § 490-500-110, filed 8/29/75; Order 775, § 490-500-110, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-120 Certification of termination of extended evaluation and notice. [Statutory Authority: RCW 74.29.025. 84-18-023 (Order 2146), § 490-500-120, filed 8/29/84; Order 1050, § 490-500-120, filed 8/29/75; Order 775, § 490-500-120, filed 8/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-145 Criteria for selection of service—Individualized, written extended evaluation plan. [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-145, filed 5/22/90, effective 6/22/90. Statutory Authority: RCW 28A.10.025. 79-04-064 (Order 1383), § 490-500-145, filed 3/28/79; Order 1050, § 490-500-145, filed 8/29/75; Order 775, § 490-500-145, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-255 Thorough diagnostic study. [Order 1050, § 490-500-255, filed 8/29/75; Order 775, § 490-500-255, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-280 Individualized, written rehabilitation plan—Termination. [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-280, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-280, filed 8/29/75; Order 775, § 490-500-280, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-340 Criteria for selection of service—Individualized, written rehabilitation plan. [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-340, filed 5/22/90, effective 6/22/90.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-395 Vocational rehabilitation services—Training—College. [Order 1050, § 490-500-395, filed 8/29/75; Order 775, § 490-500-395, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-400 Vocational rehabilitation services provided—Training—Trade schools. [Order 775, § 490-500-400, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-405 Vocational rehabilitation services provided—On-the-job training (OJT). [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-405, filed 5/22/90, effective 6/22/90; Order 775, § 490-500-405, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-410 Vocational rehabilitation services—Training—Sheltered workshop. [Order 1050, § 490-500-410, filed 8/29/75; Order 775, § 490-500-410, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-415 Vocational rehabilitation services—Training materials. [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-415, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-415, filed 8/29/75; Order 775, § 490-500-415, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-417 Vocational rehabilitation services—Independent living. [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-417, filed 5/22/90, effective 6/22/90.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-425 Vocational rehabilitation services—Placement. [Order 1050, § 490-500-425, filed 8/29/75; Order 775, § 490-500-425, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-440 Vocational rehabilitation services provided—Interpreter services for deaf. [Order 775, § 490-500-440, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-540 Completion of vocational rehabilitation program. [Order 1050, § 490-500-540, filed 8/29/75; Order 775, § 490-500-540, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-550 Confidential information—Disclosure. [Order 1050, § 490-500-550, filed 8/29/75; Order 775, § 490-500-550, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.

- 490-500-570 Fair hearing—Adjudicative proceeding. [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-570, filed 5/22/90, effective 6/22/90; 86-12-050 (Order 2385), § 490-500-570, filed 6/3/86. Statutory Authority: RCW 28A.10.025. 82-12-069 (Order 1821), § 490-500-570, filed 6/2/82; Order 1050, § 490-500-570, filed 8/29/75; Order 775, § 490-500-570, filed 3/1/73.] Repealed by 95-04-050 (Order 3830), filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 74.29.025.
- 490-500-610 Independent living program—Order of selection. [Statutory Authority: RCW 74.29.025. 90-11-114 (Order 2982), § 490-500-610, filed 5/22/90, effective 6/22/90.] Repealed by 95-11-047 (Order 3849), filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 74.29.025.

WAC 490-500-005 Definitions. (1) "Accepted for services" means the division determines the following conditions are met and the division may provide rehabilitation services to an applicant:

(a) The division has certified the applicant as eligible to receive rehabilitation services; and

(b) The division has sufficient funds, personnel, facilities, and other resources to undertake and complete the rehabilitation of the client.

(2) "Act" means the Rehabilitation Act of 1973, including subsequent amendments.

(3) "Applicant" means an individual submitting an application or letter to the division requesting rehabilitation services.

(4) "Assessment for determining eligibility and rehabilitation needs" means, to the extent needed, in each case:

(a) A review of existing data and personal information to determine eligibility and to assign priority when the state is under an order of selection;

(b) A comprehensive assessment to determine an individual's vocational goal and those services which may be necessary to help the individual achieve an employment outcome; and

(c) Any other rehabilitation services necessary to determine an individual's rehabilitation needs.

(5) "Client" means an individual with a disability:

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

(b) For whom the division has not denied or terminated services.

(6) "Client assistance program" means the program to provide assistance in informing and advising all clients and applicants of all available benefits under the act, and to assist and advocate for such clients or applicants in their relationships with projects, programs, and facilities providing services under the act.

(7) "Client's representative" means the client's legal guardian, parent when the client is an unemancipated minor, or other legal representative, or a client-selected representative or advocate.

(8) "Community rehabilitation program" means an entity certified to:

(a) Provide specific rehabilitation services to clients; and

(b) Maximize opportunities for employment, including career advancement.

(9) "Comparable services and benefits" means services or resources available under federal, state, or local programs, other than from the division, which help the client achieve rehabilitation objectives.

(10) "Department" means the department of social and health services.

(11) "Director" means the director of the division of vocational rehabilitation.

(12) "Division" means the division of vocational rehabilitation of the department of social and health services.

(13) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, means a certification by the division that the individual:

(a) Has a physical, mental, or sensory impairment which for such individual constitutes or results in a substantial impediment to employment;

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

(c) Requires one or more primary vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment.

(14) "Eligible" or "eligibility" for the independent living program means an individual with a severe physical, mental, or sensory impairment whose ability to function independently in the family or community is substantially limited and for whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community.

(15) "Employment outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in integrated settings or any other employment outcome designated by the rehabilitation services administration commissioner.

(16) "Family member" or "member of the family" means:

(a) Any spouse or relative, by blood, adoption, or marriage, of a client; and

(b) Other individuals residing in the same household with whom the client has a close interpersonal relationship.

(17) "Independent living program" means those services and activities authorized under Title VII of the Rehabilitation Act, as amended.

(18) "Independent living services" means goods or services provided to a client which improve the individual's ability to function, continue functioning, or move toward functioning in family or community.

(19) "Individual with a disability" means an individual who:

(a) Has a physical, mental, or sensory impairment which for such individual constitutes or results in a substantial impediment to employment; and

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

(20) "Individual with a severe disability" for the vocational rehabilitation program means an individual:

(a) Who has a severe physical, mental, or sensory 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, mental, or sensory disabilities resulting from:

- (i) Amputation;
- (ii) Arthritis;
- (iii) Autism;
- (iv) Blindness;
- (v) Burn injury;
- (vi) Cancer;
- (vii) Cerebral palsy;
- (viii) Cystic fibrosis;
- (ix) Deafness;
- (x) Head injury;
- (xi) Heart disease;
- (xii) Hemiplegia;
- (xiii) Hemophilia;
- (xiv) Respiratory or pulmonary dysfunction;
- (xv) Mental retardation;
- (xvi) Mental illness;
- (xvii) Multiple sclerosis;
- (xviii) Muscular dystrophy;
- (xix) Musculo-skeletal disorders;
- (xx) Neurological disorders (including stroke and epilepsy);
- (xxi) Paraplegia;
- (xxii) Quadriplegia;
- (xxiii) Other spinal cord conditions;
- (xxiv) Sickle cell anemia;
- (xxv) Specific learning disability;
- (xxvi) End-stage renal disease; or
- (xxvii) Other disability or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitations.

(21) "Individual with a severe disability" for the independent living program means an individual:

(a) With a severe physical, mental, or sensory impairment whose ability to function independently in the family or in the community is substantially limited; and

(b) For whom the delivery of independent living services will improve the ability to function, continue functioning, or move toward functioning independently in the family or community.

(22) "Initial stock and supplies" means items used, consumed, or sold in the normal process of establishing an occupation or a business enterprise.

(23) "Occupational license" means a license, permit, or other legal authority required by a governmental unit as a prerequisite to engaging in a particular occupation.

(24) "Occupational tools, equipment, and supplies" means tangible implements or appliances required for the efficient performance of a particular trade, business, or occupation.

(25) "On-the-job training services" means a program of organized training providing the client the opportunity to learn, as an employee in an occupation, under actual conditions of commercial, industrial, or other on-the-job employment.

(26) "Physical and mental restoration services" means services necessary to correct or substantially modify, within a reasonable period of time, a physical or mental condition which is stable or slowly progressive.

(27) "Physical, mental, or sensory disability" means a physical, mental, or sensory impairment which substantially limits an individual's major life activities, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(28) "Public safety officer" means a person serving the United States or a state or unit of local government, with or without compensation, in an activity pertaining to:

(a) The enforcement of the criminal laws, including highway patrol, or the maintenance of civil peace by the national guard or the armed forces;

(b) A correctional program, facility, or institution where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees;

(c) A court having criminal or juvenile delinquent jurisdiction where the activity is potentially dangerous because of contact with criminal suspects, defendants, prisoners, probationers, or parolees; or

(d) Firefighting, fire prevention, or emergency rescue missions.

(29) "Referral" means any individual referred to the division by letter, telephone, direct contact, or by other means. The following minimum information shall be furnished for referral:

- (a) Name and address;
- (b) Disability;
- (c) Age and sex;
- (d) Date of referral; and
- (e) Source of referral.

(30) "Rehabilitation services" means services under a vocational rehabilitation or independent living plan. Such services are provided by a division program authorized by Title I, Title VI C., or Title VII of the Rehabilitation Act, as amended, and may include any goods or services:

(a) Necessary for a client to attain or retain employment and/or independence; or

(b) Which contribute substantially to the rehabilitation of a group of individuals with disabilities.

(31) "Secretary," except when the context indicates otherwise, means the secretary of the department of social and health services.

(32) "Substantial impediment to employment" means a physical, mental, or sensory disability which constitutes a significant barrier to an individual's occupational performance, by preventing the individual from preparing for, entering into, engaging in, or retaining gainful employment.

(33) "Vocational rehabilitation counselor (VRC)" means an employee of the division having direct responsibility for assessing, planning, authorizing, providing, or supervising the provision of all rehabilitation service to a division client.

(34) "Vocational rehabilitation program" means those services and activities authorized under Title I and Title VI C. of the Rehabilitation Act, as amended.

(35) "Vocational rehabilitation services" means services under the vocational rehabilitation plan including any goods or services necessary to prepare a client to attain an employment outcome.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-005, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-

005, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-005, filed 8/29/75; Order 775, § 490-500-005, filed 3/1/73.]

WAC 490-500-010 Application for services. (1) Any individual with a disability may apply for rehabilitation services, including individuals who have previously applied for, have previously received, or have previously been denied such services.

(2) Any individual with a disability seeking to obtain rehabilitation services from the division shall apply for services with the division.

(3) The written application for services shall be signed by the individual requesting services or by the individual's representative.

(4) The individual applying for services shall provide the following information:

- (a) The applicant's name and address;
- (b) The nature of the applicant's disability;
- (c) The applicant's age and sex;
- (d) The date of application; and
- (e) The name of the individual or agency, if any, who has referred the applicant to the division.

(5) The division shall not provide rehabilitation services to any person who has failed to submit a signed application or letter containing the above information.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-010, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-010, filed 8/29/75; Order 775, § 490-500-010, filed 3/1/73.]

WAC 490-500-015 Initial interview. (1) An applicant for rehabilitation services shall be interviewed personally by a VRC or by a division staff member as soon as possible after application.

(2) At this initial interview, the interviewer shall:

(a) Begin to collect the following information from the applicant relative to the applicant's:

- (i) Expectations;
- (ii) Vocational history and characteristics; and
- (iii) Other pertinent information to determine the nature of the disability, severity of the disability, eligibility for services, and to develop a rehabilitation goal and conduct service planning.

(b) Explain to the applicant the nature and operation of division programs and services;

(c) Specifically inform the applicant of the right to appeal any decision made by the division with regard to the case through administrative review and fair hearing procedures;

(d) Inform the applicant of the right of confidentiality of information possessed by the division; and

(e) Inform the applicant of the services available through the client assistance program.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-015, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-015, filed 8/29/75; Order 775, § 490-500-015, filed 3/1/73.]

WAC 490-500-020 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-022 Assessment for determining eligibility and vocational rehabilitation needs. (1) The

division shall conduct an assessment to determine whether the individual:

(a) Has a physical, mental, or sensory impairment which for such individual constitutes or results in a substantial impediment to employment;

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

(c) Requires vocational rehabilitation services to prepare for, enter into, engage in, and/or obtain gainful employment.

(2) The division shall ensure the data for the preliminary assessment includes information provided by the individual and a review of existing reports. To the extent necessary, the division may conduct additional assessments.

(3) The division shall document information and results of each applicant's assessment.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-022, filed 1/25/95, effective 2/25/95.]

WAC 490-500-025 Eligibility for services. (1) The division shall make an eligibility determination for every applicant for vocational rehabilitation services. The division shall make a determination of an applicant's eligibility within a reasonable period of time, not to exceed sixty days from the date of application, unless:

(a) Exceptional and unforeseen circumstances preclude the division from completing the determination within the prescribed period of time and the applicant agrees with the time extension; or

(b) The division requires an extended evaluation to determine if the applicant can benefit from vocational rehabilitation services.

(2) The division shall base its eligibility determination on the review of existing data and personal information and, to the extent necessary, additional information gained during the preliminary assessment and an extended evaluation, if any.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-025, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-025, filed 8/29/75; Order 775, § 490-500-025, filed 3/1/73.]

WAC 490-500-030 Eligibility for services—Criteria. (1) The division shall determine an individual is eligible for service if the individual:

(a) Has a physical, mental, or sensory impairment which for such individual constitutes or results in a substantial impediment to employment;

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

(c) Requires one or more primary vocational rehabilitation services to prepare for, enter into, engage in, and/or retain gainful employment.

(2) The division shall determine an individual's eligibility without regard to sex, race, age, creed, religion, color, sexual orientation, or national origin of the individual applying for service.

(3) The division shall not find an individual ineligible for services solely on the basis of type of disability.

(4) The division shall not find an individual ineligible for services based on residence requirement, durational, or other.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-030, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-030, filed 8/29/75; Order 775, § 490-500-030, filed 3/1/73.]

WAC 490-500-050 Certification for decision of eligibility or ineligibility. (1) The division shall only certify an individual as eligible or ineligible after:

(a) Full participation with the individual or the individual's representative; or

(b) Affording a clear opportunity for such participation.

(2) The division shall document that the individual has met the basic eligibility requirements specified in eligibility criteria as described under WAC 490-500-030.

(3) When the division determines an individual is ineligible for rehabilitation services, the division shall document the rationale for such determination.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-050, filed 1/25/95, effective 2/25/95; 84-18-023 (Order 2146), § 490-500-050, filed 8/29/84; Order 1050, § 490-500-050, filed 8/29/75; Order 775, § 490-500-050, filed 3/1/73.]

WAC 490-500-055 Notice to applicant. (1) The division shall notify each individual in writing of the determination of the individual's eligibility or ineligibility.

(2) The division shall inform each individual of:

(a) The division's procedure for administrative review and fair hearings if the individual disagrees with the division's decision; and

(b) Services available through the client assistance program.

(3) If the division determines an individual is ineligible for rehabilitation services, the division shall specify on the notification how the individual failed to meet the eligibility criteria.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-055, filed 1/25/95, effective 2/25/95; 84-10-045 (Order 2098), § 490-500-055, filed 5/2/84; Order 1050, § 490-500-055, filed 8/29/75; Order 775, § 490-500-055, filed 3/1/73.]

WAC 490-500-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-065 Ineligibility—Review required.

(1) The division shall conduct a review at least once within twelve months when a client of the vocational rehabilitation program is:

(a) Terminated from services because the client is too severely disabled to benefit from services; or

(b) Terminated as successfully employed in sheltered employment.

(2) In the independent living program the division or service provider, if appropriate, shall conduct a review at least once within twelve months after the ineligibility determination has been made and whenever the service provider determines the applicant's status has materially changed.

(3) The division or the service provider, if appropriate, need not conduct a review in situations where the:

(a) Client has refused the review;

(b) Client is no longer present in the state; or

(c) Client's location is unknown.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-065, filed 1/25/95, effective 2/25/95.]

WAC 490-500-070 Extended evaluation. (1) "Extended evaluation" means an additional assessment and other vocational rehabilitation services provided to an individual for the limited purpose of determining eligibility.

(2) The division shall conduct an extended evaluation when the individual's ability to benefit from vocational rehabilitation services, in terms of an employment outcome, is questionable due to the nature and severity of the individual's disability.

(3) When an extended evaluation is required, the division shall:

(a) Document the reasons for an individual's extended evaluation; and

(b) Notify the individual of the need for an extended evaluation to determine eligibility.

(4) The division shall limit the provision of vocational rehabilitation services during an individual's extended evaluation to a total period not to exceed eighteen months from the date the division initiates the extended evaluation plan. The division shall ensure an assessment of an individual's progress occurs once every ninety-days to ascertain whether there is enough information to make an eligibility decision.

(5) The division may provide those vocational rehabilitation services which help in assessing whether an individual can benefit from vocational rehabilitation in terms of an employment outcome. When the division obtains sufficient information to determine an individual's eligibility or ineligibility, the division shall:

(a) Make an eligibility or ineligibility decision;

(b) Discontinue extended evaluation services; and

(c) Document the eligibility or ineligibility decision and rationale for such determination.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-070, filed 1/25/95, effective 2/25/95; Order 775, § 490-500-070, filed 3/1/73.]

WAC 490-500-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-077 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-080 Extended evaluation—Plan. (1) When an extended evaluation is required, an extended evaluation plan shall be jointly developed, agreed upon, and signed by the VRC and the individual or, as appropriate, the individual's representative.

(2) The division shall provide a copy of the written plan and any amendments to the plan to the individual or, as appropriate, the individual's representative.

(3) The division shall ensure the plan specifies the:

(a) Nature of the vocational rehabilitation services necessary to determine if the individual is capable of benefiting from vocational rehabilitation services in terms of an employment outcome;

- (b) Objective evaluation criteria; and
- (c) Terms and conditions for the provision of services.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-080, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-080, filed 8/29/75; Order 775, § 490-500-080, filed 3/1/73.]

WAC 490-500-085 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-095 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-105 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-145 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-170 Criteria for order of selection.

(1) The division shall use the following categories to accept an individual for vocational rehabilitation services when the division cannot provide services or other resources to all eligible individuals with disabilities who apply for such services due to limited funds:

(a) Category One - Individuals with the most severe disabilities;

(b) Category Two - Individuals with severe disabilities;

(c) Category Three - Individuals with disabilities.

(2) When funds or other resources are not available to serve all eligible individuals within any category described under subsection (1) of this section, the division shall establish an order of selection within each category utilizing the date of application. When order of selection is in effect, the division shall assign an individual to a priority category for services when eligibility is determined.

(3) The division shall serve public safety officers whose disability was sustained while acting in the line of duty first, within the category the officer may be placed, regardless of the officer's application date.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-170, filed 1/25/95, effective 2/25/95.]

WAC 490-500-180 Economic need. (1) The division shall provide the following services regardless of the economic need of the client receiving the services:

(a) Assessment services for determining eligibility and rehabilitation or independent living needs;

(b) Counseling, guidance, and information and referral services provided by division staff;

(c) Placement [services provided by] division [staff]; or

(d) Independent living services when provided by division staff.

(2) The division shall only provide a client other rehabilitation services if the client is eligible for such services:

(a) On the basis of economic need as provided under WAC 490-500-190; and

(b) Conditioned upon the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-180, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 28A.10.025, 82-04-078 (Order 1761), § 490-500-180, filed 2/3/82; Order 1050, § 490-500-180, filed 8/29/75; Order 775, § 490-500-180, filed 3/1/73.]

WAC 490-500-185 Economic need—Financial statement required. (1) In order to assess economic need, the client shall furnish the division with information regarding the client's financial assets, income, debts, obligations, and expenses in such detail as may be necessary to determine the client's economic need.

(2) The division shall document the client's need for assistance from the division in order to participate in rehabilitation services which are conditioned on the client's economic need.

(3) The client shall report to the division any change in the client's financial situation which may have a bearing on whether the division will continue to purchase services.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-185, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-185, filed 8/29/75; Order 775, § 490-500-185, filed 3/1/73.]

WAC 490-500-190 Economic need—Standards for determining. (1) The division may provide rehabilitation services to a client when the client's total obligations, debts, and expenses equals or exceeds income, nonexempt assets, and resources. When income, nonexempt assets, and resources are greater than the value of obligations, debts, and expenses, the client shall use the excess to pay for rehabilitation services unless the service is exempt by law as described under WAC 490-500-180(1).

(2) The division's determination of a client's economic need involves an evaluation of the income, assets, debts, obligations, and expenses of the client's entire family unit, including the client's spouse, dependents or, if the client resides in the parent's home, the client's parents.

(3) The division shall consider the following as income for the purpose of determining the economic need of a client:

(a) Wages paid to the client and to any family members living in the home. For purposes of this section, the division shall determine wages as equal to gross wages, less deductions for:

(i) Income taxes;

(ii) Social Security;

(iii) Other taxes;

(iv) Retirement deductions; and

(v) 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, educational loans, or grants;
 (h) Income from public or private welfare agencies; or
 (i) Any other income received on a regular and predictable basis, including but not limited to:

- (i) Alimony;
- (ii) Child support;
- (iii) Dividends from stocks;
- (iv) Annuity payment;
- (v) Unemployment compensation;
- (vi) Insurance;
- (vii) Pensions or individual retirement accounts;
- (viii) Trust funds.

(4) The division shall determine the following types of property as exempt assets not to be considered in determining the client's economic need:

(a) The primary home or residence occupied by the client or the client's family, including any contiguous real property. The division shall determine a recreational vehicle as an exempt asset when the client or client's family:

(i) Regularly occupies the recreational vehicle as the principle place of residence; or
 (ii) Will occupy the recreational vehicle 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 the client's 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 is essential to the client's rehabilitation objective.

(d) Vocational equipment and machinery owned by the client is an exempt asset if the equipment and/or machinery is used:

(i) To produce income or help meet normal living requirements for the client and the client's family; or
 (ii) To produce income after completion of the rehabilitation plan.

(e) Livestock to the extent the livestock produces income or otherwise helps to meet normal living requirements.

(5) The division shall determine tangible and intangible property as nonexempt and such property must be considered in determining the client's economic need. Tangible and intangible property includes but is not limited to, real property, personal property, stocks, bonds, savings accounts, and checking accounts and other funds, which are not exempt under subsection (4) of this section. The division shall consider tangible and intangible property in determining the client's economic need. The value of a client's nonexempt asset shall be its fair market value less any unpaid encumbrances of record.

(6) The division shall deduct the following obligations, debts, and expenses from the client's income and nonexempt assets in determining economic need:

- (a) The client's actual shelter and living expenses;
- (b) Shelter and living expenses for the client's spouse and dependents;
- (c) Payments the client must 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 the client incurred such obligations prior to the client's application for rehabilitation services.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-190, filed 1/25/95, effective 2/25/95; 86-05-010 (Order 2341), § 490-500-190, filed 2/12/86; 84-19-023 (Order 2149), § 490-500-190, filed 9/12/84. Statutory Authority: RCW 28A.10.025, 83-17-100 (Order 2004), § 490-500-190, filed 8/23/83; 82-04-078 (Order 1761), § 490-500-190, filed 2/3/82; 79-04-064 (Order 1383), § 490-500-190, filed 3/28/79; Order 1050, § 490-500-190, filed 8/29/75; Order 775, § 490-500-190, filed 3/1/73.]

WAC 490-500-200 Economic need—Notification of decision. When the division determines a client shall contribute financially to the client's rehabilitation, the division and the client shall mutually agree upon when, how, and for what services the client's funds will be used. The VRC and the client shall document the client contributions in the rehabilitation plan.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-200, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-200, filed 8/29/75; Order 775, § 490-500-200, filed 3/1/73.]

WAC 490-500-205 Comprehensive assessment. (1) The division shall conduct a comprehensive assessment of the unique strengths, resources, priorities, interests, and needs of the client, including the need for supported employment. The division shall use information from the comprehensive assessment to determine the client's goals, objectives, nature, and scope of vocational rehabilitation services to be included in the client's written rehabilitation plan.

(2) To the degree necessary, the division may include these assessment components:

- (a) Vocational aptitude and interests;
 - (b) Work history;
 - (c) Work assessment;
 - (d) Employment opportunities;
 - (e) Assistive technology needs;
 - (f) Interpersonal and social skills;
 - (g) Education history;
 - (h) Cultural issues;
 - (i) Environmental issues;
 - (j) Recreational interests;
 - (k) Medical, psychiatric, and psychological information;
- and
- (l) Independent living needs.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-205, filed 1/25/95, effective 2/25/95.]

WAC 490-500-255 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-257 Individualized, written rehabilitation plan. (1) When a determination of eligibility for vocational rehabilitation services has been made and before providing services, the division and the client shall jointly develop and agree on an individualized written rehabilitation plan.

(2) The division and the client shall design the individualized written rehabilitation plan to achieve an employment outcome mutually agreed upon by the client and the division, consistent with the client's unique strengths, resources, priorities, concerns, abilities, and capabilities.

(3) The division and the client shall mutually agree on the long-range employment goal established for the client and the intermediate rehabilitation objectives related to the attainment of the goal. The division and client shall consider the following factors:

(a) Medical restoration and/or rehabilitation assistive technology enabling the client to return to previous employment;

(b) Job restructuring enabling the client to return to employment similar to the type previously held;

(c) Transferable skills enabling the client to return to suitable employment; or

(d) Training necessary to obtain current marketable job skills consistent with the client's strengths and capacities and related to employment available in the current labor market.

(4) The division and the client shall mutually agree on the specific vocational rehabilitation services necessary to achieve:

(a) The employment goal; and

(b) The specific and measurable intermediate objectives.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-257, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-257, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-257, filed 8/29/75.]

WAC 490-500-260 Individualized, written rehabilitation plan—Content. (1) When developing an individualized written rehabilitation plan, the division shall place primary emphasis on the determination of a client's vocational goal and achievement of an employment outcome.

(2) The division shall ensure the plan includes, but is not limited to, appropriate statements concerning the following:

(a) The vocational rehabilitation services to be provided, the service providers, the cost of the services, the anticipated duration of each service, and the time within which the goal and the objectives for the client are scheduled to be achieved, including periodic progress reviews;

(b) A written statement by the client or the client's representative describing:

(i) How the client was informed about and involved in choosing among alternative goals, objectives, services, entities providing such services; and

(ii) Methods used to provide or procure such services.

(c) The terms and conditions for the provision of vocational rehabilitation services and the client's responsibilities in implementing the individualized written rehabilitation plan. These terms and conditions and responsibilities include, but are not limited to:

(i) The extent of the client's participation in the cost of services based on the economic need of the client;

(ii) The extent to which the client is eligible for and shall use comparable services and benefits under other programs; and

(iii) Objective criteria, an evaluation procedure, and a schedule for determining achievement of the goal and objectives.

(d) An assurance the client is informed of the:

(i) Client's rights;

(ii) Means by which the client may express dissatisfactions; and

(iii) Means by which the client may seek remedy for dissatisfactions, including the opportunity for:

(A) Client assistance program services; and

(B) An administrative review; or

(C) A fair hearing.

(e) Assurance the client is provided a detailed explanation of the availability of the resources within the client assistance program; and

(f) Plans for the assessment of the expected need for post-employment services after an employment outcome is achieved.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-260, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-260, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-260, filed 8/29/75; Order 775, § 490-500-260, filed 3/1/73.]

WAC 490-500-270 Individualized, written rehabilitation plan—Participation. (1) The VRC and the client or the client's representative shall jointly develop, mutually agree on, and sign the individualized, written rehabilitation plan.

(2) The division shall provide the client or the client's representative a copy of the written rehabilitation plan and subsequent amendments.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-270, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-270, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-270, filed 8/29/75; Order 775, § 490-500-270, filed 3/1/73.]

WAC 490-500-275 Individualized, written rehabilitation plan—Review. (1) The division shall, with the client or the client's representative, assess progress and review the goal, objectives, and services for appropriateness of the individualized, written rehabilitation plan. If the client fails to meet the objective evaluation criteria mutually agreed upon and specified in the plan, the division may temporarily suspend services. The suspension shall remain in effect until the VRC and the client discuss and mutually agree to resolve the situation. The division shall review the individualized, written rehabilitation plan:

(a) On an annual basis; or

(b) As often as necessary.

(2) At the time of review, the client or the client's representative shall be involved in the review and, if necessary, jointly redevelop the plan. The division shall ensure the client's amended plan does not take effect until agreed to and signed by the client or the client's representative.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-275, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-

275, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-275, filed 8/29/75; Order 775, § 490-500-275, filed 3/1/73.]

WAC 490-500-280 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-300 Vocational rehabilitation—Employment outcome. (1) The division shall ensure the purpose of vocational rehabilitation services is to enable a client to prepare for, enter into, engage in, or retain gainful employment consistent with the client's capacities and abilities in the competitive labor market, the practice of a profession, self-employment, home-making, farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; home-based employment; or other gainful work.

(2) The division shall limit vocational rehabilitation services to the amount necessary for the client to attain an employment outcome by entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-300, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-300, filed 8/29/75; Order 775, § 490-500-300, filed 3/1/73.]

WAC 490-500-325 Comparable services and benefits available from other agencies. (1) The division shall not expend funds to purchase services for which a client is eligible and is receiving or about to receive such services from another agency which has primary responsibility for providing the needed service.

(2) The division shall give full consideration to any comparable services and benefits available from any other program to a client unless:

(a) Services would be delayed to a client at extreme medical risk; or

(b) The client's immediate job placement would be lost due to a delay in the provision of such comparable services and benefits.

(3) The provision of rehabilitation services shall be conditioned on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-325, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-325, filed 8/29/75; Order 775, § 490-500-325, filed 3/1/73.]

WAC 490-500-340 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-350 Vocational rehabilitation services. The division shall only provide rehabilitation services when pre-authorized by the VRC and necessary to achieve the client's rehabilitation outcome. Rehabilitation services include, but are not limited to:

- (1) Assessments;
- (2) Counseling, guidance, and work-related placement services;
- (3) Physical and mental restoration services;

(4) Vocational and other training services, including personal and vocational adjustment, books, tools, and other training materials;

(5) Additional living expenses incurred while participating in rehabilitation;

(6) Transportation in connection with the rendering of any rehabilitation service;

(7) Services to the family of the client as are necessary to the client's adjustment or rehabilitation;

(8) Interpreter services for a client who is deaf, hard of hearing, or deaf-blind while the client is receiving rehabilitation services; reader services for a client who is blind or visually impaired while the client is receiving rehabilitation services;

(9) Rehabilitation teaching services, and orientation and mobility services for a client who is blind, or deaf-blind;

(10) Telecommunications, sensory, and other technological aids and devices;

(11) Rehabilitation assistive technology services;

(12) Information and referral services;

(13) Recruitment and training services to provide new employment opportunities in rehabilitation and other appropriate public service employment;

(14) Occupational licenses, tools, equipment, initial stocks, and supplies;

(15) Transition services;

(16) Supported employment services;

(17) Independent living services;

(18) On-the-job or other related personal assistance services provided while a client is receiving vocational rehabilitation services;

(19) Post-employment services necessary to assist the client to maintain or regain employment; and

(20) Other goods and services.

Subsections (5), (6), (7), (8), and (18) of this section are support services and the division shall only provide these services in conjunction with one or more primary vocational rehabilitation services. All other services listed within this section are primary vocational rehabilitation services.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-350, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-350, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-350, filed 8/29/75; Order 775, § 490-500-350, filed 3/1/73.]

WAC 490-500-380 Vocational rehabilitation services—Counseling, guidance, and work-related placement services. (1) The division shall provide counseling and guidance when necessary to assist:

(a) The client to understand the client's unique strengths, resources, priorities, interests, and rehabilitation needs;

(b) The client to address personal issues, such as health, interpersonal, and social issues which may be encountered during the course of the rehabilitation process;

(c) The client to determine the goal and intermediate objectives;

(d) The client to understand:

(i) The nature and scope of services available from the division and other community resources; and

(ii) How such resources can best be obtained and utilized in the rehabilitation process.

(e) The client to address situations encountered during the rehabilitation process, such as, control of anxieties, development of appropriate study and work habits, improvement of personal appearance, management of finances, preparation for job interviews and tests, and establishment and maintenance of effective interpersonal relationships;

(f) Family members, relatives, and friends of the client who may assist in the rehabilitation process;

(g) Employers to enable a client to achieve the client's vocational goal.

(2) The division may provide a client work-related placement services, including job search assistance, placement assistance, job retention services, personal assistance services, follow-up, follow-along, and specific post-employment services necessary to assist the client to maintain, regain, or advance in employment.

(3) Counseling, guidance, and work-related placement services shall be provided without regard to economic need, and comparable services and benefits.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-380, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-380, filed 8/29/75; Order 775, § 490-500-380, filed 3/1/73.]

WAC 490-500-385 Vocational rehabilitation services—Physical and mental restoration. (1) The division may provide a client physical and mental restoration to the extent necessary to achieve the vocational rehabilitation goal provided that:

(a) The client's disabling condition is stable or slowly progressive; and

(b) Physical and mental restoration services eliminate or substantially reduce the client's disabling condition within a reasonable period of time.

(2) The division may provide the following physical and mental restoration services to render an impairment less disabling, such as:

(a) Medical treatment including but not limited to therapeutic programs under medical supervision, necessary laboratory work, and necessary medication;

(b) Corrective surgery and necessary therapeutic treatment, only if approved by the regional medical consultant;

(c) Psychiatric treatment only when an assessment clearly indicates a favorable prognosis for a client's relatively short-term therapy. A client's program of psychiatric treatment extending beyond twelve months shall only be provided if approved by the regional medical consultant;

(d) Dental treatment only when the client's treatment is directly related to an employment outcome, or in emergency situations involving pain, acute infections, or injury;

(e) Hospital (either inpatient or outpatient care) and clinic services;

(f) Prosthetic, orthotic, or other assistive devices essential to obtaining or retaining employment;

(g) Eyeglasses and visual services;

(h) Podiatry services;

(i) Physical therapy services;

(j) Occupational therapy services;

(k) Medical social work services;

(l) Medically directed speech or hearing therapy services;

(m) Medical treatment associated with the provision of physical restoration services; and

(n) Short-term treatment of minor or temporary illness which, if not cared for, would constitute a hazard to the achievement of the vocational goal.

(3) The division shall not provide organ transplantation, experimental procedures, or gender change procedures.

(4) Only an individual licensed to practice in the field of the individual's specialty shall provide physical and mental restoration services. The division shall require that physicians providing medical and/or surgical treatment services demonstrate eligibility for or certification by the appropriate medical specialty board. Any exceptions to this subsection can only be made by the state medical consultant. The state medical consultant for the department shall be responsible for establishing standards of competence for vendors of physical restoration services provided clients of the department where licensure or other regulatory standards have not been established in the Washington Administrative Code, as amended.

(5) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-385, filed 1/25/95, effective 2/25/95; 85-03-071 (Order 2193), § 490-500-385, filed 1/17/85; Order 1050, § 490-500-385, filed 8/29/75; Order 775, § 490-500-385, filed 3/1/73.]

WAC 490-500-389 Vocational rehabilitation services—Telecommunications, sensory, and other technological aids and devices. (1) The division may provide telecommunications, sensory, or other technological aids and devices. Only an individual licensed or appropriately certified to fill individualized prescriptions and fittings consistent with state licensure laws shall perform such responsibilities. Aids and devices not requiring individual fittings must meet engineering and safety standards.

(2) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-389, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-389, filed 8/29/75.]

WAC 490-500-390 Vocational rehabilitation services—Training. (1) The division may provide training services to a client when necessary to attain the employment outcome.

(2) Training services may include, as necessary:

(a) Personal and vocational adjustment, including work skill building;

(b) On-the-job training;

(c) Vocational/technical, trade, or business training;

(d) Postsecondary academic training. The division shall not pay for training or training services in institutions of higher education unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for such training or training services. The division shall obtain post-secondary academic training from

in-state public schools when an adequate course of study is offered;

- (e) Books, tools, fees, and other training materials;
- (f) Independent living services; or
- (g) Tutoring and other types of training contributing to the client's rehabilitation.

(3) The division shall limit a client's training to the amount of training necessary to prepare the client for an appropriate and adequate employment outcome.

(4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-390, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-390, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-390, filed 8/29/75; Order 775, § 490-500-390, filed 3/1/73.]

WAC 490-500-395 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-400 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-405 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-415 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-417 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-418 Vocational rehabilitation services—Rehabilitation assistive technology services. (1) The division may provide rehabilitation technology services enabling a client to address barriers relative to an employment outcome in areas which include education, rehabilitation, employment, transportation, independent living, and recreation.

(2) Rehabilitation technology services means the systematic application of:

- (a) Technology;
- (b) Rehabilitative engineering methodologies; or
- (c) Scientific principals.

(3) Rehabilitation technology services include rehabilitation engineering, assistive technology devices, and assistive technology services.

(4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-418, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-418, filed 5/22/90, effective 6/22/90.]

WAC 490-500-420 Vocational rehabilitation services—Additional living expenses. (1) "Maintenance" means

basic subsistence expenses, i.e., food, shelter, clothing, and utilities. The division shall not provide maintenance.

(2) "Additional living expenses" mean those expenses incurred over and above basic maintenance. The division may only provide additional living expenses when necessary and required for the client to participate and benefit from a primary service in a rehabilitation plan.

(3) Additional living expenses are a support service. The division may only provide additional living expenses in conjunction with one or more primary vocational rehabilitation services.

(4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-420, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-420, filed 5/22/90, effective 6/22/90; 84-19-023 (Order 2149), § 490-500-420, filed 9/12/84. Statutory Authority: RCW 74.29.025. 84-10-045 (Order 2098), § 490-500-420, filed 5/2/84; Order 1050, § 490-500-420, filed 8/29/75; Order 775, § 490-500-420, filed 3/1/73.]

WAC 490-500-425 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-430 Vocational rehabilitation services—Occupational licenses, tools, equipment, and initial stocks and supplies. (1) The division may provide a client with tools, equipment, initial stocks and supplies, and occupational licenses necessary to achieve an employment outcome, in such quantity and of such quality as to give reasonable assurance of a successful employment outcome.

(2) The division shall retain ownership of or title to tools, equipment, and supplies until the client achieves the employment outcome and requires the tools or equipment for continued employment.

(3) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-430, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-430, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-430, filed 8/29/75; Order 775, § 490-500-430, filed 3/1/73.]

WAC 490-500-435 Vocational rehabilitation services—Transportation. (1) The division may provide transportation services to a client in order to assist the client to achieve the employment outcome.

(2) Modification of vehicles is a rehabilitation technology service and is not a transportation service.

(3) Transportation is a support service. The division may only provide transportation in conjunction with one or more primary vocational rehabilitation services.

(4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

(5) The division may provide transportation services in connection with assessment services without regard to economic need.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-435, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-

435, filed 5/22/90, effective 6/22/90; Order 1050, § 490-500-435, filed 8/29/75; Order 775, § 490-500-435, filed 3/1/73.]

WAC 490-500-437 Vocational rehabilitation services—Interpreter services and reader services. (1) The division may provide interpreter services to a client who is deaf or hard of hearing.

(2) The division may provide reader services to a client who is blind or visually impaired.

(3) Interpreter services and reader services are support services. The division may only provide interpreter services and reader services in conjunction with one or more primary vocational rehabilitation services.

(4) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-437, filed 1/25/95, effective 2/25/95.]

WAC 490-500-440 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-445 Vocational rehabilitation services—Services to family members. (1) [The division may provide] vocational rehabilitation services to a client's family when such services are necessary and will substantially contribute to the rehabilitation of the client.

(2) Services to family members are support services. The division may only provide services to family members in conjunction with one or more primary vocational rehabilitation services.

(3) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-445, filed 1/25/95, effective 2/25/95; Order 775, § 490-500-445, filed 3/1/73.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 490-500-450 Vocational rehabilitation services—Other goods and services. (1) The division may provide a client with other goods and services necessary to conduct assessments, participate in a rehabilitation plan, or render the client employable.

(2) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-450, filed 1/25/95, effective 2/25/95; Order 775, § 490-500-450, filed 3/1/73.]

WAC 490-500-455 Vocational rehabilitation services—Post-employment services. (1) The division may provide follow-up services to a client whose case has previously been terminated as "rehabilitated" when such services are necessary to maintain or regain employment consistent with the vocational goal.

(2) All post-employment services the division provides shall have the same requirements for comparable services and benefits and economic need as provided under WAC 490-500-180 and 490-500-325.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-455, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-455, filed 8/29/75; Order 775, § 490-500-455, filed 3/1/73.]

WAC 490-500-460 Vocational rehabilitation services—Information and referral services. The division may provide information and referral and other services to assist clients in securing needed services from other agencies.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-460, filed 1/25/95, effective 2/25/95.]

WAC 490-500-465 Vocational rehabilitation services—Recruitment and training services. The division may provide recruitment and training services for individuals with disabilities to provide the individuals with new employment opportunities in the field of:

- (1) Rehabilitation;
- (2) Health;
- (3) Welfare
- (4) Public safety and law enforcement; and
- (5) Other appropriate service employment.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-465, filed 1/25/95, effective 2/25/95.]

WAC 490-500-470 Vocational rehabilitation services—Transition services. "Transition services" mean a coordinated set of services for a student who is an applicant or client, that promotes movement from school to post-school activities in an outcome oriented process to achieve an employment goal.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-470, filed 1/25/95, effective 2/25/95.]

WAC 490-500-475 Vocational rehabilitation services—Supported employment. (1) "Supported employment services" mean ongoing support services and other appropriate services needed to support and maintain a client with the most severe disabilities in supported employment.

(2) The division may provide supported employment services to clients with the most severe disabilities when necessary to achieve an employment outcome.

(3) The division shall ensure supported employment services are:

(a) Provided singly or in combination to assist the client in entering and maintaining integrated, competitive employment;

(b) Based on a determination of the client's need; and

(c) Provided for a period of time not to exceed eighteen months, unless under special circumstances the client and the division agree to a time extension necessary to achieve the employment outcome.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-475, filed 1/25/95, effective 2/25/95.]

WAC 490-500-477 Vocational rehabilitation services—Independent living services. (1) The division may

provide independent living services to a client as necessary to:

- (a) Participate in family, community, and work; and
- (b) Achieve the employment outcome.

(2) Independent living services include, but are not limited to:

- (a) Information and referral;
- (b) Advocacy;
- (c) Independent living assessments; and
- (d) Independent living skills training.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-477, filed 1/25/95, effective 2/25/95.]

WAC 490-500-480 Vocational rehabilitation services—On-the-job or other related personal assistance. (1) The division may provide on-the-job or other related personal assistance services to a client designed to increase the client's self-determination and ability to perform every day activities on and off the job.

(2) On-the-job or other related personal assistance services are support services. The division may only provide on-the-job or other related personal assistance in conjunction with one or more primary vocational rehabilitation services.

(3) The division shall condition the provision of such services on the economic need of the client and the availability of comparable services and benefits.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-480, filed 1/25/95, effective 2/25/95.]

WAC 490-500-485 Vocational rehabilitation services—Services to groups. The division may provide services for the benefit of groups of individuals with disabilities. Such services include:

(1) Management and technical assistance services for small businesses operated by an individual with the most severe disabilities;

(2) Establishment, development, or improvement of community rehabilitation programs. The division shall use such programs to provide services that promote integration and competitive employment;

(3) The use of existing telecommunication systems which substantially improve service delivery methods;

(4) The use of services for providing:

(a) Recorded materials for individuals who are blind, and

(b) Captioned films or video cassettes for individuals who are deaf; and

(5) Technical assistance and support services to businesses that are seeking individuals with disabilities.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-485, filed 1/25/95, effective 2/25/95.]

WAC 490-500-500 Purchase of services. (1) The division may purchase any rehabilitation service not directly provided by division staff to clients.

(2) The division shall ensure all vocational rehabilitation services purchased relate directly to the client's employment goal.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-500, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-500, filed 8/29/75; Order 775, § 490-500-500, filed 3/1/73.]

WAC 490-500-505 Purchase of services—Selection criteria—Schools or training organizations. (1) In determining whether a particular school or training organization is appropriate and acceptable as a training facility, the client and the division shall evaluate the curriculum, quality of training, and adequacy of total resources in relation to the client's needs.

(2) To assist the client in the most efficient pursuit of the client's training, the division and client may consider such factors as the:

(a) Placement services, if any, offered by the facility;

(b) Accessibility, and convenience of the physical arrangements of the plant and adaptability to the needs of the client; and

(c) Willingness of school or training organization authorities to adapt and make available such equipment as is necessary.

(3) The division shall limit the use of schools or training organizations for a client's training purposes to those:

(a) Accredited, licensed, or approved by a legal authority; or

(b) Recognized as adequate by the professional or trade group with which those groups are associated.

(4) The division shall utilize those schools and other training organizations which provide the client with the credits, credentials, diplomas, or other certifications required by the profession or trade.

(5) The division shall use tax supported schools in preference to nontax supported schools when possible and appropriate in light of the vocational goal of the client.

(6) The division shall not use out-of-state schools and training organizations when satisfactory training opportunities for a client exist within the state. The division shall only make an exception to this rule if the training available out of state offers a distinct and significant advantage to the client in realizing the client's training objective and employment outcome.

[Statutory Authority: RCW 74.29.025. 95-04-050 (Order 3830), § 490-500-505, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-505, filed 8/29/75; Order 775, § 490-500-505, filed 3/1/73.]

WAC 490-500-510 Purchase of services—Selection criteria—On-the-job training. A business or trade establishment utilized by the division for the provision of a client's on-the-job training shall meet the following criteria:

(1) The establishment has personnel qualified for instructional purposes by knowledge, skills, and personality;

(2) The establishment has sufficiently diversified operations and adequate and suitable materials and equipment to ensure the client thorough preparation and training to achieve the client's employment outcome;

(3) On-the-job training of the client is only incidental to the business activity of the establishment, and in no case shall the establishment's major activity be training.

(4) The client is an official employee of the establishment for the establishment to qualify as an on-the-job training establishment.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-510, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-510, filed 8/29/75; Order 775, § 490-500-510, filed 3/1/73.]

WAC 490-500-520 Purchase of services—Selection criteria—Community rehabilitation programs. (1) A community rehabilitation program utilized by the division shall have a current full or provisional certification from the division stating the specific services the community rehabilitation program is qualified to provide to a client.

(2) The community rehabilitation program shall show evidence of an ongoing effort to assist the client to achieve competitive employment.

(3) The division shall ensure certification of the community rehabilitation program is based, in part, on compliance with accreditation criteria approved by the division, or such other accreditation body as the division shall deem appropriate.

(4) Areas to be addressed for accreditation include, but are not limited to:

(a) Evaluations of the organization, administration, and stated purpose of the community rehabilitation program;

(b) The services provided to clients;

(c) Personnel qualifications, including educational or other preparation for the position, as well as ongoing training within the community rehabilitation program;

(d) The maintenance of record keeping systems adequate to document both the fiscal adequacy and reliability of the community rehabilitation program and the services provided to, and the progress of, the client;

(e) Fiscal management;

(f) Physical plant, including adequacy, maintenance, and compliance with all applicable statutes, regulations, and ordinances; and

(g) Such other evaluations of the community rehabilitation program as the division shall require.

(5) Accreditation shall be one of the essential criteria utilized by the division in the determination of certification; however, the division shall not certify a community rehabilitation program unless the division determines, in the division's sole discretion, that there are sufficient potential clients to generate a need for the community rehabilitation program.

(6) The division shall revoke, suspend, or deny certification of a community rehabilitation program for failure to adequately comply with the criteria as determined by the division.

(7) The division may grant provisional certification for not more than two years when the division determines a community rehabilitation program is:

(a) In substantial compliance with the division's criteria; but

(b) Is not yet eligible for accreditation.

(8) The division shall maintain and make available for distribution the Washington state community rehabilitation program plan which sets forth community rehabilitation program requirements.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-520, filed 1/25/95, effective 2/25/95. Statutory Authority: RCW 28A.10.025, 82-04-075 (Order 1758), § 490-500-520, filed 2/3/82; 79-05-040 (Order 1391), § 490-500-520, filed 4/26/79; Order 1050, § 490-500-520, filed 8/29/75.]

WAC 490-500-525 Termination of services under an individualized, written rehabilitation plan—Ineligible.

(1) The division shall terminate services under an individualized, written rehabilitation plan when the division determines the client is:

(a) Not capable of achieving a rehabilitation goal; or

(b) No longer eligible.

(2) The division shall make the decision to terminate services with the involvement of the client or the client's representative.

(3) When the division determines a client is ineligible for rehabilitation services, the division shall document and certify the client's ineligibility. The division shall ensure the documentation and certification is:

(a) Placed in the client's file;

(b) Dated; and

(c) Signed by an appropriate division employee.

(4) The division shall not terminate services under an individualized, written rehabilitation plan when the client disputes the division's decision until the client's dispute reaches a final resolution.

(5) The division may unilaterally terminate services when the division has evidence the client obtained the planned services through misrepresentation, fraud, collusion, or criminal conduct.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-525, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-525, filed 5/22/90, effective 6/22/90; 84-18-023 (Order 2146), § 490-500-525, filed 8/29/84; Order 1050, § 490-500-525, filed 8/29/75; Order 775, § 490-500-525, filed 3/1/73.]

WAC 490-500-530 Termination of services under an individualized, written rehabilitation plan—For reasons other than ineligibility. The division shall terminate rehabilitation services when a client[:]

(1) Has died;

(2) Cannot be located by the division after reasonable efforts to locate the client;

(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 division is unable to continue provision of services; or

(5) Removes oneself for consideration by declining to accept or utilize rehabilitation services after the division has made a reasonable effort to encourage participation.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-530, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-530, filed 8/29/75; Order 775, § 490-500-530, filed 3/1/73.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 490-500-540 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-542 Termination of services under an individualized written rehabilitation plan—Rehabilitated. The division shall terminate services to a client based on achievement of the client's employment goal and the client is considered rehabilitated if the following conditions are met:

(1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed; or

(2) The client and the division have mutually decided that it is necessary and/or appropriate for the client to choose and attain an alternative employment goal before completing a plan of service; and

(3) The division has provided or arranged for substantial rehabilitation services to the client. The division shall not terminate a client as rehabilitated unless the division has provided or arranged one or more primary rehabilitation services; and

(4) The division determines the client must have, at a minimum, achieved an employment goal which has been maintained for a period of time not less than sixty days; and

(5) The division and the client have assessed the need for post-employment services.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-542, filed 1/25/95, effective 2/25/95.]

WAC 490-500-545 Notification of termination. (1) The division shall provide written notification to a client when the division makes any determination to terminate the client's services unless the client is terminated from services under WAC 490-500-530 (1) or (2).

(2) The division shall ensure the written notice of termination:

(a) Specifies the reasons for the division's decision to terminate a client's services; and

(b) Clearly informs the client of the availability of the client assistance program, and the client's right to:

(i) An administrative review; and

(ii) A fair hearing on the decision.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-545, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-545, filed 8/29/75; Order 775, § 490-500-545, filed 3/1/73.]

WAC 490-500-550 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-555 Confidential information—Disclosure. Client information collected by the division is intended for the purpose of determining eligibility and for providing rehabilitation services to clients. This information is to be kept confidential and only used in accordance with appropriate program purposes. The division shall ensure the release or sharing of such information is consistent with the following provisions:

(1) Specific safeguards to ensure protection of current and stored personal information.

(2) All clients, client's representatives and as appropriate, service providers, cooperating agencies, and interested persons shall be informed of the confidentiality of personal

information and the conditions for accessing and releasing this information.

(3) All clients or client's representatives shall be informed about the division's need to collect personal information and the policies governing its use.

(4) Persons who are unable to communicate in English or who rely on special modes of communication shall be provided explanations about the division's policies and procedures affecting personal information through methods that can be adequately understood by them.

(5) This WAC shall prevail over less stringent state laws and regulations.

(6) The division may establish reasonable fees to cover extraordinary costs of duplicating records or making extensive searches, and shall establish policies and procedures governing access to records.

(7) All personal information in the possession of the division shall only be used for purposes directly connected with the administration of the rehabilitation program. The division shall not share information containing identifiable personal information with advisory or other bodies which do not have official responsibility for administration of the program. In the administration of the program, the division may obtain personal information from service providers and cooperating agencies under assurances that the information shall not be further divulged, except as provided under subsections (8), (9), and (10) of this section.

(8) The division may release information to a client when requested in writing by the client or the client's representative. The division shall make all information in the case record accessible to the client or the client's representative in a timely manner. The division shall ensure medical, psychological, or other information which the division believes may be harmful to the client is:

(a) Not released directly to the client; but

(b) Only provided through the client's representative, a physician, or a licensed or certified psychologist;

(9) Personal information which has been obtained from another agency or organization may only be released by, or under the conditions established by, the other agency or organization.

(10) The division may only release personal information to an organization, agency, or person engaged in audit, evaluation, or research for purposes:

(a) Directly connected with the administration of the rehabilitation program; or

(b) Which would significantly improve the quality of life for an individual with a disability, and only if the organization, agency, or individual assures that the:

(i) Information is only used for the purposes for which the information is provided;

(ii) Information is only released to individuals officially connected with the audit, evaluation, or research;

(iii) Information is not released to the client;

(iv) Information is managed in a manner to safeguard confidentiality; and

(v) Final product does not reveal any personal identifying information without the informed written consent of the involved client or the client's representative.

(11) The division may release information to other programs or authorities:

(a) On receiving the informed written consent of the client. The division may only release:

(i) To another agency or organization, that personal information which may be released to the client, and only to the extent that the other agency or organization demonstrates that the information requested is necessary for its program; and

(ii) Medical or psychological information which the division believes may be harmful to the client when the other agency or organization assures the division that the information will:

(A) Only be used only for the purpose for which the information is being provided; and

(B) Not be further released to the client.

(b) If required by federal law;

(c) In response to:

(i) Investigations in connection with law enforcement, fraud, or abuse; except, where expressly prohibited by federal or state laws or regulations; and

(ii) Judicial order; and

(d) In order to protect the client or others when the client poses a threat to:

(i) Oneself; or

(ii) The safety of others.

(12) Client information about drug, alcohol, HIV/AIDS, and sexually transmitted diseases shall be handled in accordance with 34 CFR 361.49 and 42 CFR, Part 2 and applicable federal and state laws and regulations.

(13) The division shall release personal information upon request of the division of child support.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-555, filed 1/25/95, effective 2/25/95.]

WAC 490-500-560 Administrative review. (1) A client dissatisfied with a decision by the division regarding the client's rehabilitation program may request and receive from the division an administrative review and redetermination of the decision or action. The division shall ensure the purpose of the division's administrative review process is to effect a timely, informal resolution of disagreements. The division shall not use the review process to delay the more formal fair hearing unless each party agrees to a delay.

(2) The client shall request an administrative review, in writing, and submit the review request to any office of the division within fourteen days of the division's decision or action.

(3) A client requesting an administrative review and redetermination of the decision shall:

(a) Specify the date of the decision or action appealed;

(b) Precisely specify the issue to be resolved by the administrative review;

(c) State the address of the client or the client's representative; and

(d) Sign the request for administrative review or have the client's representative sign the request.

(4) The regional administrator or designee of the region where the client receives services shall conduct an administrative review within thirty days after the client's submission of the review request.

(5) The regional administrator or designee shall:

(a) Certify the review findings to the client, in writing, within fifteen days after the conclusion of the administrative review specifying the reasons for the findings; and

(b) Inform the client of the client's right to request and receive a fair hearing if dissatisfied with the findings.

(6) Unless the client or the client's representative so requests, the division shall not institute a suspension, reduction, or termination of services being provided under a rehabilitation plan pending final determination of administrative review, unless the division has evidence that the services have been obtained through the client's misrepresentation, fraud, collusion, or criminal conduct.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-560, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-560, filed 5/22/90, effective 6/22/90; 86-12-050 (Order 2385), § 490-500-560, filed 6/3/86; Order 1050, § 490-500-560, filed 8/29/75; Order 775, § 490-500-560, filed 3/1/73.]

WAC 490-500-570 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-580 Fair hearing—Adjudicative proceeding. (1) A client shall have the right to a fair hearing to contest any decision made by the division, including any decision:

(a) Concerning eligibility and/or the furnishing of rehabilitation services; and

(b) Rendered on administrative review if such as review was conducted.

(2) A client contesting a decision of the division shall, within fourteen days of receipt of the decision:

(a) Submit a written request for a hearing by a method producing proof of receipt by the office of appeals; and

(b) Include in or with the request for a hearing:

(i) A copy or statement of the division's decision being contested;

(ii) The grounds for contesting the division's decision; and

(iii) A specific statement of the issues and the laws involved.

(c) The proceeding shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, this chapter, and chapter 388-08 WAC. If any provision of this chapter conflicts with chapter 388-08 WAC, the provision in this chapter governs.

(3) The hearing shall be held within forty-five days of the office of appeals' receipt of the request for hearing, unless extended for good cause shown upon request of either or both parties.

(4) The administrative law judge shall:

(a) Make a decision based on the provisions of the approved state plan, and federal and state rehabilitation laws, regulations, and policies; and

(b) Serve an initial decision supported by a full written report of the findings and grounds upon which it is based within thirty days of the completion of the hearing.

(5) The division shall ensure the initial decision becomes final unless:

(a) A petition for review is filed by the client in accordance with chapter 388-08 WAC; or

(b) The director gives notice of intent to review within twenty days of the mailing of the initial decision.

(6) The director shall conduct the review of the initial fair hearing decision and shall not delegate the review to another individual.

(a) If the director seeks a review of the initial decision, the division shall provide the client an opportunity to submit additional information relevant to the decision. The client shall submit supplemental information, in writing, within fourteen days of the notification of the director's intention to review, unless the client seeks an extension from the director on showing of good cause.

(b) If the client seeks a review of the initial decision, the division shall limit the review to the record created at the hearing before the administrative law judge.

(c) The director shall not overturn or modify an initial decision that supports the client's position unless the director concludes, based on clear and convincing evidence, that the initial decision is clearly erroneous because it is contrary to the:

(i) Approved state plan; or

(ii) Federal or state rehabilitation laws, regulations, or policies.

(d) The director shall make a final decision, in writing, within thirty days of the:

(i) Client's filing of a petition for review; or

(ii) Director's notice of intent to review or on completion of any supplemental record on review, whichever is later.

(e) The director's final decision shall include a full report of the findings and the grounds for such decision. On making the final decision, the director shall provide a copy of such decision to the client.

(7) The administrative law judge or director may provide for reasonable time extensions for good cause shown at the request of either or both parties, except for the time limitation established for the director to give notice of intent to review an initial decision.

(8) The division shall not institute a suspension, reduction, or termination of services under a rehabilitation plan pending final determination of the fair hearing or petition for review unless the:

(a) Client or the client's representative so requests; or

(b) Division has evidence the services have been obtained through the client's misrepresentation, fraud, collusion, or criminal conduct.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-580, filed 1/25/95, effective 2/25/95.]

WAC 490-500-590 Client records. The division shall maintain for each client a case record which includes, to the extent pertinent, the following information:

(1) An application and any other information relevant to the client;

(2) Documentation of the type and nature of the client's disabilities and impairments;

(3) Documentation supporting the determination that the client meets the criteria of severe disability and the nature of that severe disability;

(4) Documentation of the determination of eligibility or ineligibility and documentation of the assessment and rationale supporting such a decision to include documentation:

(a) Of eligibility and rehabilitation needs;

(b) That an extended evaluation of rehabilitation potential is necessary to make such an eligibility determination; or

(c) Of ineligibility.

(5) Data gathered during the comprehensive assessment for the development of the individualized, written rehabilitation plan;

(6) Narrative documentation of periodic progress reviews throughout the rehabilitation of the client;

(7) An individualized, written rehabilitation plan as jointly developed and any amendments to such plan;

(8) Data relating to the client's financial participation in the cost of rehabilitation services;

(9) Data relating to the eligibility of the client for comparable services and benefits under any other program;

(10) Documentation of the decision to provide services, the nature and scope of such services, and the authorization and payment for such services;

(11) Documentation of the annual review and results of the review;

(12) Documentation that the client has been advised of the confidentiality of all information pertaining to the client's rehabilitation, and documentation and other material pertinent to the release of any information concerning the client on the basis of the written consent of the client or client's representative;

(13) Documentation of the decision and rationale for terminating the rehabilitation program, including the employment status of the client, and documentation of the division's determination of the client's rehabilitation status;

(14) Documentation of any plans for the provision of post-employment services after the employment objective has been achieved, the rationale for such plans, a description of the planned services, and the outcomes achieved;

(15) Documentation that the client has been informed of the rights, responsibilities, and services available through the client assistance program;

(16) Documentation as to any action and decision involving the client's request for an administrative review or fair hearing; and

(17) Documentation of results of annual reviews of cases closed ineligible, too severely disabled, or as a sheltered employee in a community rehabilitation program.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-590, filed 1/25/95, effective 2/25/95; Order 1050, § 490-500-590, filed 8/29/75; Order 775, § 490-500-590, filed 3/1/73.]

WAC 490-500-600 Independent living program. (1) The division may provide independent living program services:

(a) Consistent with Title VII of the Rehabilitation Act, as amended, to an eligible client who has:

(i) Not been determined eligible for and receiving services from Title I (vocational rehabilitation program) of the Rehabilitation Act, as amended; or

(ii) Been determined eligible for the Title I program but has chosen not to participate in the Title I program; and
 (b) To the extent that division resources are available.
 (2) A client may apply for independent living program services in areas where such services are available through the division.

(3) A client shall participate fully throughout the client's independent living program.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-600, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-600, filed 5/22/90, effective 6/22/90.]

WAC 490-500-605 Independent living program—Eligibility/ineligibility. (1) The division shall make an eligibility/ineligibility determination for applicants for independent living program services. After receiving the application, the division shall conduct an assessment to determine eligibility and independent living needs as soon as possible. The division shall ensure the assessment identifies specific needs of the client, and includes the following areas, as necessary:

- (a) Environment management;
- (b) Financial management;
- (c) Home management;
- (d) Social skills;
- (e) Self-care; and
- (f) Education/vocational.

(2) The division shall only base eligibility on:

(a) The presence of a severe physical, mental, or sensory disability which substantially limits the client's ability to function independently in family or community life; and

(b) A determination that the delivery of independent living program services will improve the individual's ability to function, continue functioning, or move toward functioning independently in family or community life.

(3) The division shall document, date, and sign the eligibility/ineligibility determination.

(4) If the division contracts to a third party to provide independent living program services, the division may choose to delegate the determination of eligibility/ineligibility for independent living services and the development of a written independent living plan.

The service provider shall comply with WAC 490-500-600 through 490-500-625.

(5) The division or, if appropriate, the service provider shall follow other eligibility requirements and procedures described under WAC 490-500-030 (2), and (3), 490-500-050 (1) and (3), 490-500-055, and 490-500-065.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-605, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-605, filed 5/22/90, effective 6/22/90.]

WAC 490-500-610 Repealed. See Disposition Table at beginning of this chapter.

WAC 490-500-615 Independent living program—Economic need and comparable services and benefits. The division or, if appropriate, the service provider, shall follow the provisions of economic need under WAC 490-500-180 through 490-500-200 and comparable services and

benefits under WAC 490-500-325 with all clients in the independent living program.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-615, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-615, filed 5/22/90, effective 6/22/90.]

WAC 490-500-620 Independent living program—Written independent living plan. (1) When a determination of eligibility for independent living program services, has been made the client and the VRC or, if appropriate, the service provider, shall jointly develop and mutually agree on a written independent living plan unless the client chooses to sign a waiver that such plan is unnecessary. A written independent living plan may include:

(a) Goals or objectives addressing specific barriers to family or community participation;

(b) Services to be provided leading to the accomplishment of each goal and the anticipated duration of such services; and

(c) Signature of the client or the client's representative.

(2) The division, or if appropriate, the service provider shall provide a copy of the written independent living plan and any amendments to the client or client's representative.

(3) The division shall give the client the opportunity to redevelop the written, independent living plan as often as necessary, but at least on an annual basis.

(4) The division, or if appropriate, the service provider shall review the written independent living plan as often as necessary but at least on an annual basis to determine whether:

(a) Services should be continued, modified, or discontinued; or

(b) The client should be referred for services to any other program of assistance.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-620, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-620, filed 5/22/90, effective 6/22/90.]

WAC 490-500-622 Independent living program—Independent living services. The division or the service provider shall provide independent living program services necessary to achieve the client's rehabilitation goal, including, but not limited to:

(1) Information and referral;

(2) Assessments;

(3) Independent living skills training;

(4) Counseling, including peer counseling;

(5) Individual and systems advocacy; and

(6) Other independent living goods and services.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-622, filed 1/25/95, effective 2/25/95.]

WAC 490-500-625 Independent living program—Termination. The division shall terminate independent living program services for a client when the client:

(1) Successfully or substantially completes the written, independent living plan;

(2) Is not able or does not wish to participate in services;

(3) Is determined ineligible or is no longer eligible; or

(4) Has been determined eligible for and is about to receive vocational rehabilitation program services.

The division, or if appropriate, the service provider shall follow procedures for termination as required under WAC 490-500-525, 490-500-530, and 490-500-545.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-625, filed 1/25/95, effective 2/25/95; 90-11-114 (Order 2982), § 490-500-625, filed 5/22/90, effective 6/22/90.]

WAC 490-500-627 Independent living program—

Client records. The division or the service provider, shall maintain for each client a case record which includes, at a minimum, the following:

(1) Documentation concerning eligibility or ineligibility for services;

(2) Documentation of the services requested by the client;

(3) Either the written independent living plan developed with the client or a waiver signed by the client stating that a written independent living plan is unnecessary;

(4) Documentation of the services actually provided to the client;

(5) Documentation of the independent living goals and objectives which were:

(a) Established with the client, whether or not in the client's written independent living plan; and

(b) Achieved by the client; and

(6) To the extent pertinent, other information contained in WAC 490-500-590.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-627, filed 1/25/95, effective 2/25/95.]

WAC 490-500-630 Statewide independent living council. (1) The state shall establish a statewide independent living council. The council shall not be established as an entity within any state agency.

(2) The council shall provide advocacy, education, and leadership in order to:

(a) Guide development of and promote access to independent living services and centers for independent living statewide;

(b) Increase opportunities for self-determination and empower people with disabilities to live self-directed lives; and

(c) Create awareness of people with disabilities as a valuable human resource.

(3) The governor shall appoint council members.

(4) The council shall ensure council membership and term of office are consistent with the Rehabilitation Act, as amended, Title VII, Section 705.

(5) The duties of the council shall be to:

(a) Jointly develop and sign, with the division of vocational rehabilitation and the department of services for the blind, an independent living state plan;

(b) Monitor, review, and evaluate the implementation of the state plan;

(c) Coordinate activities with the state rehabilitation advisory council and councils that address the needs of specific disability populations and issues under other federal law;

(d) Hold regularly scheduled public meetings and provide sufficient, advance notice;

(e) Submit required periodic reports to rehabilitation services administration;

(f) Hold hearings and forums as may be necessary to carry out the council duties;

(g) Prepare and plan for the provision of resources including council staff and personnel; and

(h) Supervise and evaluate council staff and personnel.

(6) The council shall be responsible for budgeting and the proper expenditure and use of funds and resources the council receives.

(7) The council members shall not cast a vote on any matter that may:

(a) Provide direct financial benefit to a member or a member's organization;

(b) Create some other conflict of interest; or

(c) Otherwise give the appearance of a conflict of interest.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-630, filed 1/25/95, effective 2/25/95.]

WAC 490-500-635 State rehabilitation advisory council. (1) The state shall establish a state rehabilitation advisory council.

(2) The council shall advise the division on program development and the delivery of vocational rehabilitation services to individuals with disabilities in the state.

(3) The governor shall appoint council members.

(4) The council shall ensure council membership and term of office are consistent with the Rehabilitation Act, as amended, Title I, Section 105.

(5) The council shall:

(a) Review, analyze, and advise the division in accordance with the Rehabilitation Act, as amended, Title I relating to:

(i) Eligibility;

(ii) Extent, scope, and effectiveness of services; and

(iii) Functions performed by state agencies that affect the ability of individuals with disabilities to achieve rehabilitation goals and objectives.

(b) Advise the division and assist in the preparation of the state plan, strategic plan, and other applications under Title I of the Rehabilitation Act, as amended;

(c) To the extent feasible conduct reviews and analyses of the effectiveness of the program and consumer satisfaction;

(d) Prepare and submit an annual report to the governor and rehabilitation services administration;

(e) Coordinate with the state independent living council and councils that address the needs of specific disability populations and issues under other federal law;

(f) Prepare and plan for the provision of resources including council staff and personnel;

(g) Supervise and evaluate such council staff and personnel;

(h) Hold regularly scheduled public meetings at least four times per year and provide sufficient, advance notice; and

(i) Hold hearings and forums as may be necessary to carry out the duties of the council.

(6) The council shall be responsible for budgeting and the proper expenditure and use of funds and resources the council receives.

(7) The council members shall not cast a vote on any matter that may:

(a) Provide direct financial benefit to the member or the member's organization;

(b) Create some other conflict of interest; or

(c) Otherwise give the appearance of a conflict of interest.

[Statutory Authority: RCW 74.29.025, 95-04-050 (Order 3830), § 490-500-635, filed 1/25/95, effective 2/25/95.]

Title 495D WAC LAKE WASHINGTON TECHNICAL COLLEGE

Chapters

495D-104	Board of trustees.
495D-135	Refund of tuition and special course/program connected fees.

Chapter 495D-104 WAC BOARD OF TRUSTEES

WAC

495D-104-010 Time and place of board meetings.

WAC 495D-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting on the second Wednesday of each month at 6:00 p.m. and such special meetings as may be requested by the chair of the board or by a majority of the members of the board and announced in accordance with law. All regular and special meetings of the board of trustees shall be held at Lake Washington Technical College, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions. No official business may be conducted by the board of trustees except during a regular or special meeting.

[Statutory Authority: RCW 28B.50.140, 95-23-043, § 495D-104-010, filed 11/13/95, effective 12/14/95; 93-03-086, § 495D-104-010, filed 1/19/93, effective 2/19/93; 92-15-081, § 495D-104-010, filed 7/16/92, effective 8/16/92.]

Chapter 495D-135 WAC REFUND OF TUITION AND SPECIAL COURSE/ PROGRAM CONNECTED FEES

WAC

495D-135-020	Definitions.
495D-135-040	Tuition and special course/program connected fees refund policy.

WAC 495D-135-020 Definitions. As used in this chapter:

(1) "Misconduct" means student action or inaction which violates a college rule or policy and results in suspension or dismissal from the college.

(2) "Registration fee" means a service fee charged to defray the clerical expense of processing a registration transaction.

(3) "Special course/program connected fees" means fees other than tuition required for enrollment (e.g., equipment fees, supply fees, laboratory material fees, excess cost fees, etc.).

(4) "Termination" means the dismissal from a course, program, or the college due to student misconduct or lack of academic progress.

(5) "Transfer" means moving from one course to another within the same registration transaction.

(6) "Tuition" means fees collected by College District No. 26 which include the general tuition fees, operating fees, and the services and activities fees.

(7) "Withdraw" and "withdrawal" means when a student formally leaves college by completing the forms and procedures specified in the published class schedule or otherwise established by the college.

[Statutory Authority: RCW 28B.50.140, 95-17-052, § 495D-135-020, filed 8/14/95, effective 9/14/95; 93-01-084, § 495D-135-020, filed 12/15/92, effective 1/15/93.]

WAC 495D-135-040 Tuition and special course/program connected fees refund policy. Upon withdrawal from college or reduction in class load and the completion of all applicable fee refund forms, the student may receive a tuition and/or fee refund under the following conditions:

(1) A full refund of general tuition fees, operating fees, special course/program connected fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session.

(2) A full refund will be made when courses or programs are cancelled by the college.

(3) Upon withdrawal or termination from a state-supported course on or after the first day of instruction and prior to the sixth day of instruction of the regular quarter or registration period for which the tuition and fees have been paid or are due, an eighty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.

(4) Upon withdrawal or termination from a state-supported course after the fifth day of instruction and up to the twentieth calendar day of the regular quarter or registration period for which the tuition and fees have been paid or are due, a fifty percent refund will be made. When a registration is for a first-time federally funded student, his or her refund will be calculated on a pro rata basis consistent with applicable federal rules.

(5) Refunds for withdrawals or terminations from state-supported courses that start after the regular quarter begins, or from state-supported short courses, shall be made in proportion to the amounts prescribed in subsections (3) and (4) of this section. Refunds will be made prior to the second scheduled class meeting for self-supported courses, except