

order to qualify for this exception, such persons additionally must present a certification of their status under this section, a brand inspection certificate, a bill of sale or other documentation establishing the date of their purchase of the cattle. Such documentation must be presented at the time of sale to the person responsible for collecting the assessment.

(2) Assessments shall be paid by and shall be collected from the seller of the cattle. The term seller shall not include an agent or representative who is compensated in connection with the sale solely on a commission, handling fee or other service fee basis.

(3) Where a brand inspection is conducted in conjunction with a sale, brand inspectors employed by the state department of agriculture may collect the assessment from the seller of the cattle. Where no brand inspection is conducted in connection with the sale, the buyer of the cattle shall collect the assessment from the cattle seller at the time of the sale. All assessments so collected shall be transmitted directly to the Washington state beef commission by the fifteenth of the month after the month of collection.

(4) That portion of each assessment remitted to the Washington state beef commission for purposes of providing funds for a National Beef Promotion and Research Program under 7 USC S 2901, et seq., and RCW 16.67.122 shall be remitted to the cattlemen's beef promotion and research board by the Washington state beef commission.

[Statutory Authority: RCW 16.67.090(4) and 16.67.122. 95-10-097, § 60-12-010, filed 5/3/95, effective 6/3/95. Statutory Authority: RCW 16.67.120 and 16.67.122. 87-01-013 (Order 1912), § 60-12-010, filed 12/9/86; Order 1527, § 60-12-010, filed 5/11/77, effective 7/1/77.]

## Title 67 WAC

### BLIND, DEPARTMENT OF SERVICES FOR THE

#### Chapters

- 67-25 Vocational rehabilitation and services for blind persons.**  
**67-35 Vending facility program for the blind.**

#### Chapter 67-25 WAC

### VOCATIONAL REHABILITATION AND SERVICES FOR BLIND PERSONS

#### WAC

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- 67-25-105 Extended evaluation—Revision of program. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-105, filed 12/15/83. Formerly WAC 67-20-105.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-120 Certification of termination of extended evaluation and notice. [Statutory Authority: Chapter 74.18 RCW. 88-09-006 (Order 88-1), § 67-25-120, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-120, filed 12/15/83. Formerly WAC 67-20-120.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-281 Vocational rehabilitation program—Notification of rights. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-281, filed 12/15/83. Formerly WAC 67-20-281.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-385 Vocational rehabilitation services—Physical and mental restoration. [Statutory Authority: 1983 c 194 § 18. 84-19-003 (Order 84-04), § 67-25-385, filed 9/6/84; 84-01-042 (Order 83-08), § 67-25-385, filed 12/15/83. Formerly WAC 67-20-385.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-392 Vocational rehabilitation services provided—Training—Trade schools. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-392, filed 12/15/83. Formerly WAC 67-20-392.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-420 Vocational rehabilitation services—Rehabilitation teaching services. [Statutory Authority: Chapter 74.18 RCW. 85-06-030 (Order 85-02), § 67-25-420, filed 3/1/85. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-420, filed 12/15/83. Formerly WAC 67-20-420.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-428 Vocational rehabilitation services—Orientation and mobility services. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-428, filed 12/15/83. Formerly WAC 67-20-428.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-500 Purchase of services. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-500, filed 12/15/83. Formerly WAC 67-20-500.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-505 Purchase of services—Selection criteria—Schools. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-505, filed 12/15/83. Formerly WAC 67-20-505.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-510 Purchase of services—Selection criteria—Employment training facilities. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-510, filed 12/15/83. Formerly WAC 67-20-510.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-525 Termination of services for reason of ineligibility. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-525, filed 12/15/83. Formerly WAC 67-20-525.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.
- 67-25-530 Termination of services for reasons other than ineligibility. [Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-530, filed 12/15/83. Formerly WAC 67-20-530.] Repealed by 95-06-057, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.15 RCW.

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

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

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

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

(b) A comprehensive assessment to determine, with the individual, the employment objective to be achieved, and a detailed plan of services needed to attain an employment outcome;

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

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

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

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

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

(c) Recreational therapy;

(d) Physical and occupational therapy;

(e) Speech, language and hearing therapy;

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

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

(h) Rehabilitation technology;

(i) Job development, placement, and retention services;

(j) Evaluation or control of specific disabilities;

(k) Assessment and training in adaptive skills of blindness;

(l) Extended employment;

(m) Psychosocial rehabilitation services;

(n) Supported employment services and extended services;

(o) Services to family members when necessary for the vocational rehabilitation of the participant;

(p) Personal assistance services; or

(q) Services similar to those described in (a) through (p) of this subsection.

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

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

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

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

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

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

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

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

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

(b) Self-employment;

(c) Business enterprises;

(d) Homemaking;

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

(f) Extended employment; or

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

(10) "Individual with a disability" for purposes of this chapter means an individual who:

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

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

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

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

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

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

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

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

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

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

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

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

(16) "Ophthalmological consultant" means a physician, licensed pursuant to chapters 18.57 and 18.71 RCW specializing in diseases of the eye, employed by the department to provide consultation to vocational rehabilitation counselors and rehabilitation teachers regarding procedures and prognosis relating to eye conditions.

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

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

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

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

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

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

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

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

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

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

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

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

(22) "Substantial impediment to employment" means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing him or her from obtaining, retaining,

or preparing for employment consistent with his or her capacities and abilities.

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

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

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

(c) Severe functional visual problem; or

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

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

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

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-005, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 91-20-010, § 67-25-005, filed 9/20/91, effective 10/21/91; 85-06-030 (Order 85-02), § 67-25-005, filed 3/1/85. Statutory Authority: 1983 c 194 § 18. 84-19-003 (Order 84-04), § 67-25-005, filed 9/6/84; 84-01-042 (Order 83-08), § 67-25-005, filed 12/15/83. Formerly WAC 67-20-005.]

**WAC 67-25-010 Application for services.** (1) Any individual who is legally blind or who has a visual impairment may apply for vocational rehabilitation services, including any individual who has previously applied for, has previously received, or has previously been denied such services.

(2) Any individual who is legally blind or who has a visual impairment seeking to obtain vocational rehabilitation services from the department shall submit a written letter or application for services to the department.

(3) The written letter or application for services shall be signed and dated by the individual requesting services or, if appropriate, by the individual's representative, and shall include:

(a) The applicant's name and address;

(b) The applicant's disability; and

(c) The applicant's Social Security number.

(4) The department shall not provide vocational rehabilitation services to any individual who has failed to submit a signed, and dated letter or application containing the above information.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-010, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-010, filed 12/15/83. Formerly WAC 67-20-010.]

**WAC 67-25-015 Initial interview.** (1) An applicant for vocational rehabilitation services shall be interviewed personally by a vocational rehabilitation counselor or other appropriate staff member as soon as possible upon receipt of an application by the department.

(2) The interviewer shall:

(a) Explain to the applicant the nature and operation of the vocational rehabilitation program as it relates to the applicant;

(b) Specifically inform the applicant of the right to appeal any decision made by the department on his or her

behalf through: Administrative appeal in accordance with WAC 67-25-560; fair hearing in accordance with WAC 67-25-570; and judicial review;

(c) Inform the applicant of his or her right of confidentiality of information possessed by the department in accordance with WAC 67-25-550;

(d) Provide to the applicant a description of client assistance program services; and

(e) Obtain information from the applicant necessary to determine his or her eligibility for vocational rehabilitation services.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-015, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-015, filed 12/15/83. Formerly WAC 67-20-015.]

**WAC 67-25-020 Preliminary assessment.** (1) A preliminary assessment shall be conducted for each applicant to determine whether:

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

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

(2) The preliminary assessment shall, to the maximum extent possible, be based on a review of existing data in accordance with confidentiality requirements. The assessment shall, where appropriate, include information provided by the individual or the individual's family, education records, information used by the Social Security Administration, and determinations made by other agencies.

(3) To the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, the assessment may include provision of vocational rehabilitation services necessary to determine whether the individual is eligible.

(4) The preliminary assessment must include an appraisal of the current visual condition of the applicant based on ophthalmological or optometric findings.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-020, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-020, filed 12/15/83. Formerly WAC 67-20-020.]

**WAC 67-25-025 Eligibility for services.** (1) The department shall determine whether an individual is eligible for vocational rehabilitation services within sixty days after receipt of an application for services unless:

(a) The department notifies the individual that exceptional and unforeseen circumstances beyond the control of the department preclude completion of the determination within sixty days, and the individual agrees that an extension of time is warranted; or

(b) An extended evaluation as described in WAC 67-25-070 is required to determine eligibility.

(2) The department shall utilize results of the preliminary assessment and extended evaluation (if required) to determine eligibility.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-025, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-

042 (Order 83-08), § 67-25-025, filed 12/15/83. Formerly WAC 67-20-025.]

**WAC 67-25-030 Eligibility for services—Criteria.**

(1) Eligibility shall be based only upon evidence that:

(a) The individual is legally blind or has a visual impairment, as defined in WAC 67-25-005, which alone or combined with other disabilities results in a substantial impediment to employment; and

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

(2) It shall be presumed that an individual with a disability can benefit in terms of an employment outcome from vocational rehabilitation services unless the department can demonstrate by clear and convincing evidence that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of his or her disability.

(3) Eligibility requirements are applied without regard to the race, color, sex, religion, national origin, creed, marital status, or age of the applicant.

(4) No individual or group of individuals shall be found ineligible solely on the basis of the type of disability.

(5) No individual shall be found ineligible based on requirements for duration of residence.

(6) No individual shall be found ineligible solely on the basis of lack of U.S. citizenship.

(7) Eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

(8) An individual who has a visual problem which does not result in an impediment to employment, but who may have other disabilities which might result in impediments to employment, may be referred to other service providers or may be provided services through a cooperative plan with other service providers.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-030, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 91-20-010, § 67-25-030, filed 9/20/91, effective 10/21/91. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-030, filed 12/15/83. Formerly WAC 67-20-030.]

**WAC 67-25-050 Certification for decision of eligibility or ineligibility.** (1) There shall be a certification of eligibility if the individual meets the requirements specified in WAC 67-25-030. The certification shall be dated and signed by the vocational rehabilitation counselor or other appropriate staff member.

(2) If the individual is determined ineligible for vocational rehabilitation services, there shall be a certification of ineligibility which shall be dated and signed by the vocational rehabilitation counselor or other appropriate staff member.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-050, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-050, filed 12/15/83. Formerly WAC 67-20-050.]

**WAC 67-25-055 Eligibility determination—Notice to applicant.** (1) The applicant shall be notified in writing, using special modes of communication or the individual's

native language if necessary, of the action taken on eligibility or ineligibility.

(2) The individual shall be advised of the right to appeal any decision made by the department on his or her behalf including: The procedure for administrative review in accordance with WAC 67-25-560; fair hearing in accordance with WAC 67-25-570; and judicial review. A description of client assistance program services shall also be provided.

(3) If the applicant is determined ineligible for vocational rehabilitation services, the notice shall clearly specify how he or she failed to meet the eligibility criteria.

(4) If the applicant is determined eligible for vocational rehabilitation services, the notice shall clearly specify the date of eligibility certification.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-055, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-055, filed 12/15/83. Formerly WAC 67-20-055.]

**WAC 67-25-056 Ineligibility determination—Review.** (1) The department shall initiate a review of an ineligibility determination within twelve months unless:

(a) The individual has refused the review;

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

(c) His or her whereabouts are unknown.

(2) Ineligibility determinations not requiring a review shall include a clear statement as to why the case does not require a review.

(3) If services have been provided under an individualized written rehabilitation program, in accordance with WAC 67-25-260, a determination of ineligibility based on evidence that the individual is incapable of achieving an employment outcome, in accordance with WAC 67-25-280, shall be reviewed annually if requested by the individual, or if appropriate, the individual's representative.

(4) The individual, or if appropriate, the individual's representative, shall be given an opportunity to participate in any review and reconsideration of eligibility.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-056, filed 2/28/95, effective 3/31/95.]

**WAC 67-25-070 Extended evaluation.** Extended evaluation is the process of providing assessment and related vocational rehabilitation services to an applicant for the limited purpose of eligibility determination, if there is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to the severity of his or her disability. Extended evaluation is provided only when an eligibility determination can not be made within the usual procedure.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-070, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-070, filed 12/15/83. Formerly WAC 67-20-070.]

**WAC 67-25-075 Extended evaluation—Eligibility criteria.** Eligibility for extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services shall be based only upon evidence that:

(1) The individual is legally blind or has a visual impairment, as defined in WAC 67-25-005, which alone or combined with other disabilities results in a substantial impediment to employment;

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

(3) There is concern that the individual is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services due to severity of his or her disability.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-075, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-075, filed 12/15/83. Formerly WAC 67-20-075.]

**WAC 67-25-077 Certification for extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services.** (1) Prior to, and as a basis for providing an extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services, there shall be a certification that the individual meets eligibility criteria specified in WAC 67-25-075. The certification shall be dated and signed by the vocational rehabilitation counselor or other appropriate staff member.

(2) The participant shall receive written notification of the eligibility determination for extended evaluation using special modes of communication or the individual's native language if necessary.

(3) The participant shall be advised of the right to appeal any decision made by the department on his or her behalf, including: The procedure for administrative review in accordance with WAC 67-25-560; fair hearing in accordance with WAC 67-25-570; and judicial review. A description of client assistance program services shall also be provided.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-077, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-077, filed 12/15/83. Formerly WAC 67-20-077.]

**WAC 67-25-080 Extended evaluation—Individualized written rehabilitation program.** (1) After certification for extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services, an individualized written rehabilitation program shall be jointly developed, agreed upon, and signed by the vocational rehabilitation counselor or other appropriate staff member and the participant or, if appropriate, the individual's representative.

(2) The individualized written rehabilitation program for extended evaluation shall be designed to assess the participant's ability to benefit in terms of an employment outcome from vocational rehabilitation services consistent with the unique strengths, resources, priorities, concerns, abilities, and capabilities of the individual.

(3) The program shall include:

(a) Justification that an extended evaluation of the individual's ability to benefit in terms of an employment

outcome from vocational rehabilitation services is necessary to determine eligibility;

(b) Specific and measurable intermediate rehabilitation objectives related to determination of eligibility;

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

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

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

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

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

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

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

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

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

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

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

(j) A description of client assistance program services.

(4) An individualized written rehabilitation program for extended evaluation shall be implemented in accordance with provisions for participation of the individual in WAC 67-25-270 and procedures for annual review in WAC 67-25-275.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-080, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-080, filed 12/15/83. Formerly WAC 67-20-080.]

**WAC 67-25-085 Extended evaluation—Services provided.** The following vocational rehabilitation services may be provided as necessary during extended evaluation:

(1) Assessment to determine eligibility and vocational rehabilitation needs in accordance with WAC 67-25-020, 67-25-255, and 67-25-257;

(2) Counseling and guidance in accordance with WAC 67-25-412;

(3) Vocational and other training in accordance with WAC 67-25-388, 67-25-390, 67-25-394, 67-25-396, and 67-25-398, subject to limitations in WAC 67-25-360;

(4) Services to family members in accordance with WAC 67-25-408;

(5) Physical and mental restoration services in accordance with WAC 67-25-384;



- (6) Maintenance in accordance with WAC 67-25-400;
- (7) Interpreting and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind in accordance with WAC 67-25-412;
- (8) Reader services in accordance with WAC 67-25-416;
- (9) Assessment and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;
- (10) Transportation in connection with provision of vocational rehabilitation services in accordance with WAC 67-25-404;
- (11) Rehabilitation technology, including telecommunications in accordance with WAC 67-25-432;
- (12) Referral and related services to help participants secure needed services from other agencies, including referral to the client assistance program;
- (13) Transition services for students in accordance with WAC 67-25-399;
- (14) Personal assistance services, including training in managing, supervising, and directing these services in accordance with WAC 67-25-418;
- (15) Other goods and services in accordance with WAC 67-25-452, except as prohibited in WAC 67-25-090, necessary to determine the individual's eligibility for vocational rehabilitation services.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-085, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-085, filed 12/15/83. Formerly WAC 67-20-085.]

**WAC 67-25-090 Extended evaluation—Services not provided.** The following goods and services cannot be provided until the participant's specific employment objective is determined and, therefore, shall not be provided under an extended evaluation plan:

- (1) Placement services including job search assistance, placement assistance, job retention services, and post-employment services in accordance with WAC 67-25-440;
- (2) Occupational licenses, tools, equipment, or initial stocks and supplies in accordance with WAC 67-25-448;
- (3) Business enterprises in accordance with WAC 67-25-448;
- (4) Supported employment services in accordance with WAC 67-25-436.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-090, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-090, filed 12/15/83. Formerly WAC 67-20-090.]

**WAC 67-25-095 Extended evaluation—Duration of services.** (1) The extended evaluation period shall not exceed eighteen months and shall begin on the date of certification for extended evaluation.

(2) Services shall be discontinued after the extended evaluation period unless the individual is determined eligible for vocational rehabilitation services in accordance with WAC 67-25-030.

(3) Only one extended evaluation shall be permitted while the case is open. If a case has been closed, it may be reopened and a subsequent extended evaluation may be conducted if eligibility criteria for extended evaluation specified in WAC 67-25-075 are met.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-095, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-095, filed 12/15/83. Formerly WAC 67-20-095.]

**WAC 67-25-100 Extended evaluation—Assessment.**

(1) The individual's progress shall be assessed as necessary, but at least once every ninety days during an extended evaluation period.

(2) Assessments shall include reports from the service provider which shall be used to evaluate the results of service provision and whether the individual may be determined eligible or ineligible for vocational rehabilitation services.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-100, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-100, filed 12/15/83. Formerly WAC 67-20-100.]

**WAC 67-25-105 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-110 Extended evaluation—Termination.** (1) An eighteen-month extended evaluation to determine an individual's ability to benefit in terms of an employment outcome from vocational rehabilitation services shall be terminated at any time prior to expiration when:

- (a) There is clear and convincing evidence that the individual is incapable of benefitting in terms of an employment outcome from vocational rehabilitation services; or
- (b) There is not clear and convincing evidence to overcome the presumption that the individual can benefit in terms of an employment outcome from vocational rehabilitation services in accordance with WAC 67-25-030.

(2) Certification of eligibility or ineligibility for vocational rehabilitation services shall be completed in accordance with WAC 67-25-050.

(3) The participant shall be notified of the action taken on eligibility or ineligibility, including appeal procedures, in accordance with WAC 67-25-055.

(4) If the individual is determined ineligible for vocational rehabilitation services, the individualized written rehabilitation program for extended evaluation shall be terminated in accordance with WAC 67-25-280.

(5) If the individual is determined ineligible for vocational rehabilitation services, he or she shall be notified of the opportunity for review and reconsideration of the decision within twelve months in accordance with WAC 67-25-056.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-110, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-110, filed 12/15/83. Formerly WAC 67-20-110.]

**WAC 67-25-120 Repealed.** See Disposition Table at beginning of this chapter.

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

setting possible, consistent with the informed choice of the individual.

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

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

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

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

(d) An assessment of the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice.

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

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-255, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-255, filed 12/15/83. Formerly WAC 67-20-255.]

**WAC 67-25-257 Assessment—Adaptive skills of blindness.** (1) There shall be an assessment of each individual's use of and ability to benefit from adaptive skills of blindness. Rehabilitation objectives and service needs identified with the individual during this assessment shall be incorporated into the individualized written rehabilitation program.

(2) Adaptive skills of blindness assessment include, as appropriate in each case:

(a) Communications, including braille and keyboarding;

(b) Personal management;

(c) Orientation and mobility;

(d) Home management;

(e) Activities of daily living;

(f) Personal adjustment to blindness and/or other disabilities;

(g) Ability to benefit from rehabilitation technology; and

(h) Use of residual vision.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-257, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 85-06-030 (Order 85-02), § 67-25-257, filed 3/1/85.]

**WAC 67-25-260 Individualized written rehabilitation program.** (1) The individualized written rehabilitation program shall be designed to achieve the employment objective of the participant consistent with the unique strengths, resources, priorities, concerns, abilities, and

capabilities of the individual. To the extent possible, consistent with the informed choice of the individual, the program shall include placement in an integrated setting.

(2) The program shall include:

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

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

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

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

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

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

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

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

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

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

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

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

(i) Assessment of the expected need for post-employment services and, if appropriate, extended services, including provision for reassessment of these needs prior to the individual's successful rehabilitation;

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

(k) A description of client assistance program services.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-260, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-260, filed 12/15/83. Formerly WAC 67-20-260.]

**WAC 67-25-270 Individualized written rehabilitation program—Participation of the individual.** (1) The individualized written rehabilitation program shall be jointly developed, agreed upon, and signed by the vocational rehabilitation counselor or other appropriate staff member and the participant, or as appropriate, the individual's representative.

(2) Participants must take an active role in their own rehabilitation programs, including making meaningful and



informed choices about the selection of vocational goals, objectives, and the vocational rehabilitation services they receive.

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

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-270, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-270, filed 12/15/83. Formerly WAC 67-20-270.]

**WAC 67-25-275 Individualized written rehabilitation program—Annual review.** (1) The individualized written rehabilitation program shall be reviewed as necessary but at least annually. The participant, or if appropriate, the individual's representative, shall be given an opportunity to review the program and jointly redevelop and agree to its terms.

(2) The services shall be modified as needed and incorporated into the program.

(3) If the vocational objective of the participant changes, the new program shall not take effect until agreed upon and signed by the participant, or if appropriate, the individual's representative.

(4) If a participant's vision is restored so that he or she is not legally blind or has no visual impairment, and if he or she has no other disability which results in an impediment to employment, further services shall be limited to those already identified in the individualized written rehabilitation program.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-275, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-275, filed 12/15/83. Formerly WAC 67-20-275.]

**WAC 67-25-280 Individualized written rehabilitation program—Termination due to ineligibility.** (1) The services under an individualized written rehabilitation program shall be terminated if it is determined that the individual is incapable of achieving a vocational goal and is therefore not eligible for vocational rehabilitation services.

(2) A decision to terminate the program shall only be made with participation of the individual, or as appropriate, the individual's representative.

(3) The views of the individual, or the individual's representative, concerning the decision shall be documented in the program.

(4) Rationale for the decision must be documented as part of the program.

(5) When an individual is determined ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or other appropriate staff member, placed in the individual's file.

(6) The participant shall be notified of the opportunity for review and reconsideration of the decision within twelve months in accordance with WAC 67-25-056.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-280, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-

042 (Order 83-08), § 67-25-280, filed 12/15/83. Formerly WAC 67-20-280.]

**WAC 67-25-281 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-284 Individualized written rehabilitation program—Termination for reasons other than ineligibility.** (1) Vocational rehabilitation services provided under an individualized written rehabilitation program shall be terminated prior to completion if a participant:

- (a) Has died;
- (b) Cannot be located by the department after reasonable efforts to do so;
- (c) Has been institutionalized under circumstances which preclude provision of services for a substantial or indefinite period of time;

(d) Has moved to another jurisdiction and the department is unable to continue provision of services;

(e) Declines to accept or utilize vocational rehabilitation services after reasonable efforts have been made to encourage participation.

(2) A decision to terminate services for any reason described in subsection (1) of this section does not require a review and reconsideration within twelve months pursuant to WAC 67-25-056.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-284, filed 2/28/95, effective 3/31/95.]

**WAC 67-25-288 Individualized written rehabilitation program—Termination—Notification of rights.** The department shall provide written notification, in the individual's native language or using special modes of communication if appropriate, to every individual who has applied for services when a determination is made to terminate services to the individual. The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the participant of his or her right to an administrative review in accordance with WAC 67-25-560, a fair hearing in accordance with WAC 67-25-570, and judicial review of the decision. A description of client assistance program services shall also be provided.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-288, filed 2/28/95, effective 3/31/95.]

**WAC 67-25-300 Purpose of vocational rehabilitation.** The purpose of vocational rehabilitation is to enable an eligible individual to enter or retain full-time or, if appropriate, part-time competitive employment in the integrated labor market, supported employment, or other employment consistent with the individual's abilities, capabilities, and interests.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-300, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-300, filed 12/15/83. Formerly WAC 67-20-300.]

**WAC 67-25-325 Services available from other agencies.** Vocational rehabilitation funds shall not be expended to purchase services for a participant when another

agency has primary responsibility for providing the needed service.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-325, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-19-003 (Order 84-04), § 67-25-325, filed 9/6/84; 84-01-042 (Order 83-08), § 67-25-325, filed 12/15/83. Formerly WAC 67-20-325.]

**WAC 67-25-326 Services to special groups of individuals with disabilities.** (1) In accordance with Section 101 (a)(13)(A) of the act, the department shall provide vocational rehabilitation services to civil employees of the United States government who become disabled in the line of duty under the same terms and conditions applied to other individuals who are blind or visually impaired.

(2) In accordance with Section 101 (a)(13)(B) of the act, the department shall give priority to individuals who are blind or visually impaired whose disability resulted from an impairment sustained in the line of duty as a public safety officer, and the immediate cause of that impairment was a criminal act, apparent criminal act, or a hazardous condition directly related to the officer's performance of duties in direct connection with the enforcement, execution, and administration of law or fire prevention, firefighting, or related public safety activities.

(3) The department shall actively recruit applicants from under-served populations to reflect the cultural and ethnic diversity of people in the state.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-326, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-326, filed 12/15/83. Formerly WAC 67-20-326.]

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

(1) Assessment to determine vocational rehabilitation needs in accordance with WAC 67-25-255 and 67-25-257;

(2) Counseling and guidance in accordance with WAC 67-25-380;

(3) Referral and related services to help participants secure needed services from other agencies, including referral to the client assistance program;

(4) Physical and mental restoration services;

(5) Vocational and other training in accordance with WAC 67-25-388, 67-25-390, 67-25-394, 67-25-396, and 67-25-398, subject to limitations in WAC 67-25-360;

(6) Maintenance in accordance with WAC 67-25-400;

(7) Transportation in connection with the provision of vocational rehabilitation services in accordance with WAC 67-25-404;

(8) Services to family members in accordance with WAC 67-25-408;

(9) Interpreter and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind in accordance with WAC 67-25-412;

(10) Reader services in accordance with WAC 67-25-408;

(11) Assessment and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;

(12) Recruitment and training services to develop new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public service employment in accordance with WAC 67-25-440;

(13) Job search and placement assistance, and job retention services in accordance with WAC 67-25-440;

(14) Supported employment services in accordance with WAC 67-25-436;

(15) Personal assistance services, including training in managing, supervising, and directing these services in accordance with WAC 67-25-418;

(16) Post-employment services in accordance with WAC 67-25-444;

(17) Occupational licenses, tools, equipment, initial stocks, and supplies in accordance with WAC 67-25-448;

(18) Rehabilitation technology and telecommunications services in accordance with WAC 67-25-448;

(19) Transition services for students in accordance with WAC 67-25-399;

(20) Other goods and services necessary for the participant to achieve an employment outcome in accordance with WAC 67-25-452.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-350, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-350, filed 12/15/83. Formerly WAC 67-20-350.]

**WAC 67-25-360 Vocational rehabilitation services—Comparable services and benefits.** (1) Consideration of comparable services and benefits is required by Section 101 (a)(8) of the act. Therefore, this section prevails over all other sections describing conditions under which vocational rehabilitation services shall be provided.

(2) Comparable services and benefits includes any financial or other resource for which a participant is legally qualified, or entitled, or meets the criteria for obtaining without undue contingencies. The resource must be an organized, ongoing form of service provision or financial assistance, whether public or private. It must be free or may require a deductible, co-insurance feature, token payment or personal claim.

(3) Participants are required to apply for and accept comparable services and benefits which they are entitled to receive before vocational rehabilitation funds can be expended, except as provided in subsections (5) and (6) of this section.

(4) Vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform participants of known sources for comparable services and benefits and shall assist with application for these services when necessary.

(5) The following services are provided without consideration of comparable services and benefits:

(a) Assessment;

(b) Counseling and guidance;

(c) Referral;

(d) Vocational and other training services including personal and vocational adjustment, books, and other training

materials, except that no training in institutions of higher education (universities, colleges, community colleges, vocational schools, technical institutes, or hospital schools of nursing) shall be paid for with vocational rehabilitation funds unless maximum efforts have been made to secure grant assistance, in whole or in part, from other sources to pay for training;

(e) Placement services;

(f) Rehabilitation technology services;

(g) Services listed in (a) through (f) of this subsection as post-employment services.

(6) Determination of comparable services and benefits shall not be required if:

(a) Utilization of such a service would delay provision of vocational rehabilitation services to an individual determined to be at extreme medical risk, based on medical evidence provided by an appropriate, qualified medical professional; or

(b) An immediate job placement would be lost due to a delay resulting from utilization of comparable services and benefits.

(7) The following services may be provided only after consideration of comparable services and benefits:

(a) Physical and mental restoration services;

(b) Maintenance;

(c) Transportation;

(d) Services to family members;

(e) Interpreter and note-taking services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind;

(f) Reader services;

(g) Training at institutions of higher education;

(h) Supported employment services;

(i) Personal assistance services;

(j) Post-employment services, except as specified in subsection (5) of this section;

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

(l) Transition services;

(m) Other goods and services not specified in this section.

(8) Consideration of comparable services and benefits shall be documented in the participant's record of services. Documentation shall include sources of assistance considered, whether the participant applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation funds for services described in subsection (7) of this section.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-360, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 85-18-046 (Order 85-10), § 67-25-360, filed 8/30/85. Statutory Authority: 1983 c 194 § 18. 84-19-003 (Order 84-04), § 67-25-360, filed 9/6/84.]

**WAC 67-25-380 Vocational rehabilitation services—Counseling and guidance.** (1) Counseling and guidance is a necessary component of vocational rehabilitation to help each participant develop work skills, a strong self-image, and the adaptive skills of blindness needed to achieve an employment outcome.

(2) Counseling and guidance services, based on needs of the participant, shall be available throughout all phases of the rehabilitation process to assist the participant with:

(a) Adjustment to blindness and other disabilities; understanding the importance of developing and using adaptive skills of blindness; and, identifying strategies to overcome negative social attitudes regarding disability;

(b) Identifying his or her unique strengths, resources, priorities, concerns, abilities, and capabilities related to planning for and achieving an employment outcome;

(c) Identifying and overcoming potential barriers to achieving an employment outcome including impairment-related, personal, and social factors;

(d) Selecting a vocational goal consistent with his or her abilities, capabilities, and interests;

(e) Obtaining and utilizing resource information to make meaningful and informed choices regarding selection of vocational rehabilitation goals, objectives, services, and providers;

(f) Overcoming potential barriers and achieving an employment outcome through development of skills such as: Study and work habits; grooming; management of finances; preparation for job interviews and tests; self-advocacy; and effective interpersonal relationships.

(3) Counseling and guidance services may also be provided to:

(a) Assist family members to effectively participate in the rehabilitation process;

(b) Assist prospective employers to develop positive attitudes regarding hiring and accommodating individuals who are blind or visually impaired.

(4) Counseling and guidance shall be provided without consideration of comparable services and benefits pursuant to WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-380, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-380, filed 12/15/83. Formerly WAC 67-20-380.]

**WAC 67-25-384 Vocational rehabilitation services—Physical and mental restoration services.** (1) Physical and mental restoration services shall be provided to a participant under an individualized written rehabilitation program when the vocational rehabilitation counselor or rehabilitation teacher, in consultation with the medical or ophthalmological consultant as appropriate, determines that such services are likely, within a reasonable period of time, to substantially correct or modify a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment for the participant.

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

(3) When receiving physical and mental restoration services, the participant may choose the physician or other health professional and appropriate facilities from those licensed in the state. Service providers and facilities must be willing to accept reimbursement in accordance with the *Washington State Department of Social and Health Services Schedule of Maximum Allowances and Program Descriptions*.

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

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

- (a) Surgical and therapeutic treatment;
- (b) Diagnosis and treatment for mental or emotional disorders;
- (c) Dental treatment;
- (d) Nursing services;
- (e) Hospitalization (inpatient or outpatient) in connection with surgery or treatment and clinic services;
- (f) Convalescent or nursing home care;
- (g) Drugs and supplies;
- (h) Prosthetic, orthoptic or other assistive devices;
- (i) Eyeglasses and vision-related services;
- (j) Podiatry;
- (k) Physical therapy;
- (l) Occupational therapy;
- (m) Medical or medically-related social work services;
- (n) Speech or hearing therapy;
- (o) Special services (including transplantation and dialysis), artificial kidneys, and supplies necessary for treatment of individuals with end-stage renal disease.

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

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-384, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-384, filed 12/15/83. Formerly WAC 67-20-384.]

**WAC 67-25-385 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-388 Vocational rehabilitation services—General training provisions.** (1) The individualized written rehabilitation program may include any organized form of instruction providing the knowledge and skills necessary for a participant to perform competitively in an occupation and achieve an employment outcome. Knowledge and skills may be acquired through training in an institution, on the job, by correspondence, by tutors, or through a combination of these methods. Training may be given for any occupation, except as prohibited in subsection (2) of this section.

(2) The Washington state Constitution forbids use of public funds to assist an individual in the pursuit of a career or degree in theology or related areas.

(3) Programs or schools used to provide training shall generally be limited to those which are accredited, licensed, or approved either by a legal authority, or are recognized as adequate by the professional or trade group with which they are associated.

(4) The department may provide books, tools and other training materials.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-388, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-19-003 (Order 84-04), § 67-25-388, filed 9/6/84; 84-01-042 (Order 83-08), § 67-25-388, filed 12/15/83. Formerly WAC 67-20-388.]

**WAC 67-25-390 Vocational rehabilitation services—Training—Institutions of higher education.** (1) Training at a university, college, community college, vocational school, technical institute, or hospital school of nursing may be provided if necessary to achieve the employment objective agreed upon by the participant and vocational rehabilitation counselor.

(2) Training or training services in institutions of higher education shall be funded in accordance with WAC 67-25-360.

(3) Participants may attend private or out-of-state institutions of higher education in preparation for an employment outcome; however, financial assistance shall be limited to the tuition amount at the University of Washington or the actual cost, whichever is less. Exceptions may be made when required training is not available, or if other significant factors preclude the participant from attending an available training program at a public institution of higher education in the state.

(4) The department may provide financial assistance to a participant wishing to obtain a post-graduate degree when the training is necessary to achieve the individual's employment objective. However, financial assistance shall not be provided to a participant pursuing a graduate program for the sole purpose of achieving upward mobility.

(5) A participant receiving training at an institution of higher education must meet established scholastic standards required by the program of his or her choice. If the participant's grades fall below minimum standards, it shall be necessary, through assessment, counseling, and planning with the participant, to revise the individualized written rehabilitation program including the possible selection of a new employment objective.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-390, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-19-003 (Order 84-04), § 67-25-390, filed 9/6/84; 84-01-042 (Order 83-08), § 67-25-390, filed 12/15/83. Formerly WAC 67-20-390.]

**WAC 67-25-392 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-394 Vocational rehabilitation services—Training—On-the-job.** (1) On-the-job training (OJT) services may be provided when necessary to achieve the participant's employment objective.

(2) OJT services shall be provided as a program of organized training, giving a participant the opportunity to learn an occupation under actual conditions of commercial, industrial, or other on-the-job employment.

(3) OJT services shall be provided to a participant only when the vocational rehabilitation counselor establishes that the following conditions have been or shall be met:

(a) The training program has been prepared in advance and outlined in detail;

(b) The participant's training will follow a definite schedule of specified operations, instructions, and practices which will insure well-rounded preparation for the participant's selected occupation;

(c) A mutual understanding has been reached between the trainee—participant, the trainer—employment training provider, and the vocational rehabilitation counselor regard-

ing the participant's employment training plan including: Length of the training period; financial arrangements; and operations and skills to be learned;

(d) The employer agrees to closely supervise the participant's work and shall submit regular reports on the participant's progress and performance to the vocational rehabilitation counselor;

(e) The training program meets any requirements for licensing in the trade or occupation in which the participant is to be employed;

(f) The employment training program for the participant is acceptable to other employees of the training provider.

(4) A business or industrial establishment utilized by the department to provide OJT services shall:

(a) Have personnel qualified with appropriate knowledge, skills, and personality to provide instruction;

(b) Have sufficiently diversified operations and adequate, suitable materials and equipment to insure a trainee thorough preparations and training within the scope and limits of his or her occupational objective;

(c) Ensure that training VR participants is only incidental to the business activity of the facility.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-394, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-394, filed 12/15/83. Formerly WAC 67-20-394.]

#### **WAC 67-25-396 Vocational rehabilitation services—**

**Training—Vocational adjustment.** (1) Vocational adjustment and related employment training services may be provided to a participant through a community rehabilitation program. This option may be appropriate if a participant is not ready for, or does not wish to receive training in an integrated setting.

(2) Vocational adjustment training may be provided to assist the participant with:

(a) Understanding the meaning, value, and demands of work;

(b) Developing appropriate attitudes, habits, and work behaviors; and/or

(c) Developing functional capacities necessary to achieve an optimum employment outcome.

(3) Prior to provision of vocational adjustment training, there shall be an assessment of the individual's patterns of work behavior, and the services needed for him or her to acquire occupational skills, and to develop work attitudes, work habits, work tolerance, social skills, and behavior patterns suitable for successful job performance.

(4) Vocational adjustment training shall meet the following criteria:

(a) The training program shall be outlined in detail and agreed upon by the participant, or if appropriate, his or her representative, the vocational rehabilitation counselor, and the community rehabilitation program, and shall include: Anticipated length of training; methods to be used; and objectives to be achieved.

(b) The training program shall, consistent with the informed choice of the participant, be designed to assist him or her to achieve an employment outcome in an integrated setting.

(c) The community rehabilitation program agrees to assess the participant's progress and shall submit reports to the vocational rehabilitation counselor.

(d) The community rehabilitation program is certified by the department of social and health services division of vocational rehabilitation to provide vocational adjustment training.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-396, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-396, filed 12/15/83. Formerly WAC 67-20-396.]

#### **WAC 67-25-398 Vocational rehabilitation services— Training—Adaptive skills of blindness.**

(1) Adaptive skills of blindness are those skills necessary for individuals who are blind or visually impaired to function independently in as distinguished from the vocational skills necessary to perform a specific occupation. Adaptive skills include:

(a) Communications, including Braille and keyboarding;

(b) Personal management;

(c) Orientation and mobility;

(d) Personal adjustment to blindness;

(e) Home management;

(f) Activities of daily living;

(g) Use of rehabilitation technology; and

(h) Use of residual vision.

(2) Training in adaptive skills of blindness shall be provided to a participant in accordance with standards established by the department for instruction of the specific adaptive skill.

(3) Training in adaptive skills of blindness may be provided to a participant under an individualized written rehabilitation program in accordance with WAC 67-25-080 and 67-25-260, or during the assessment to determine rehabilitation needs in accordance with WAC 67-25-257.

(4) The department shall operate and maintain an orientation and training center as a structured setting to provide assessment and training in adaptive skills of blindness for participants.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-398, filed 2/28/95, effective 3/31/95.]

#### **WAC 67-25-399 Vocational rehabilitation services— Transition services for students.**

(1) Transition services are activities which directly facilitate the smooth and efficient movement of a student who is blind or visually impaired from the K through 12 public or private education system to the vocational rehabilitation program. This includes any activity or program designed to introduce the student to a wide variety of available occupational choices, or to provide the student with work experience opportunities.

(2) Transition services shall be provided, when appropriate, to any student who is blind or visually impaired, age fourteen or older, who is enrolled in a public or private school.

(3) Transitioning students shall, to the extent necessary and appropriate, receive a thorough assessment of their abilities, interests and rehabilitation needs in the following areas:

(a) Adaptive skills of blindness;

(b) Social and interpersonal skills;

(c) Vocational exploration and work experience.

(4) A transition plan or the prevocational component of a student's individualized education plan (IEP), with specific goals and objectives based on the assessment, shall be developed for each student. Services shall be planned jointly by the student, the family, and department staff. Maximum efforts shall be made to coordinate all services with the local school district.

(5) Transition services may include, but are not limited to:

(a) Counseling and guidance for participants and their parents/representatives;

(b) Training in specific areas identified through the needs assessment after all other resources and approaches to remediation have been explored and found to be unobtainable;

(c) Conferences and workshops for participants, parents/representatives, education personnel and vocational rehabilitation counselors;

(d) Information and referral;

(e) Advocacy for the rights of all students who are blind or visually impaired to assure equal and appropriate access to the same educational, recreational, cultural and social opportunities as their sighted peers.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-399, filed 2/28/95, effective 3/31/95.]

**WAC 67-25-400 Vocational rehabilitation services—Maintenance.** (1) Maintenance for living expenses may be provided only when these expenses are in excess of the normal subsistence expenses of a participant, and only when necessary for the individual to participate in services under an individualized written rehabilitation program. Maintenance includes monetary support for food, shelter, clothing and other subsistence items.

(2) Maintenance shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-400, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 88-09-006 (Order 88-1), § 67-25-400, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-400, filed 12/15/83. Formerly WAC 67-20-400.]

**WAC 67-25-404 Vocational rehabilitation services—Transportation.** (1) Transportation services may be authorized for travel and related expenses necessary for a participant to receive any vocational rehabilitation service.

(2) Transportation may include:

(a) Fares or travel costs associated with using public or private conveyances;

(b) Food and/or lodging while in travel status;

(c) Wages, travel, and related expenses for an attendant or aide if the services of that person are necessary for the participant to travel;

(d) Relocation and moving expenses, if necessary for the vocational rehabilitation of the individual.

(3) Transportation services shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-404, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 88-09-006 (Order 88-1), § 67-25-404, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-404, filed 12/15/83. Formerly WAC 67-20-404.]

**WAC 67-25-408 Vocational rehabilitation services—Services to family members.** (1) A family member is an individual:

(a) Who is a relative or guardian of a participant, or who lives in the same household as a participant;

(b) Who is integrally involved in the vocational adjustment or rehabilitation of the participant; and

(c) Whose receipt of vocational rehabilitation services would further the vocational adjustment or rehabilitation of the participant.

(2) Services provided to family members may include any vocational rehabilitation services available to participants in accordance with WAC 67-25-085 and 67-25-350. However, the services must be directly related to the vocational rehabilitation of the participant. Family members of any age may be served.

(3) A vocational rehabilitation service provided to family members shall be terminated when it no longer substantially contributes to the vocational rehabilitation of the participant.

(4) Services to family members shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-408, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-408, filed 12/15/83. Formerly WAC 67-20-408.]

**WAC 67-25-412 Vocational rehabilitation services—Interpreter services for individuals who are deaf.** (1) Interpreter services shall be provided for a participant who is deaf, or for the individual's representative if appropriate, during all phases of the rehabilitation process including during any administrative appeal, fair hearing, and judicial review.

(2) Interpreter services shall be authorized in accordance with the department of social and health services schedule of maximum allowances and program descriptions.

(3) Interpreter services shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-412, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-412, filed 12/15/83. Formerly WAC 67-20-412.]

**WAC 67-25-416 Vocational rehabilitation services—Reader services.** (1) Reader services may be provided when necessary to complete an intermediate objective under an individualized written rehabilitation program or, during assessment if necessary to the provision of other rehabilitation services.

(2) Reader services consist of orally reading ink-print material to the blind participant which is not available in an appropriate, alternative format.



(3) If reader services are necessary beyond the initial stages of employment, the department shall, if desired by the individual, assist him or her to negotiate with the employer for reader services as a reasonable accommodation.

(4) Reader services shall be purchased in accordance with the department's procedures for purchase of reader services and shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

(5) Participants shall be encouraged through counseling and guidance to use reader services efficiently and effectively.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-416, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-416, filed 12/15/83. Formerly WAC 67-20-416.]

**WAC 67-25-418 Vocational rehabilitation services—Personal assistance services.** (1) Personal assistance services may be provided to assist a participant with on-the-job or related daily living activities that the individual typically would perform if he or she did not have a disability, and will not be able to perform even after receiving adaptive skills training. These services shall, to the extent appropriate and desired by the participant, include training in managing, supervising, and directing personal assistance services.

(2) Personal assistance services may be provided if necessary for the participant to achieve an employment outcome, and shall be provided only while the participant is receiving other vocational rehabilitation services.

(3) Provision of personal assistance services under an individualized written rehabilitation program is contingent on an assurance that ongoing services will be available for the individual at completion of the rehabilitation program.

(4) Personal assistance services are provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-418, filed 2/28/95, effective 3/31/95.]

**WAC 67-25-420 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-428 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-432 Vocational rehabilitation services—Rehabilitation technology and telecommunications.** (1) Rehabilitation technology is the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address barriers confronted by participants in education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(2) The department maintains an assistive technology program to coordinate provision of rehabilitation technology services throughout all phases of the vocational rehabilitation process for participants. Services include:

(a) Assessment to determine rehabilitation technology needs;

(b) Job site and training site analysis;

(c) Rehabilitation engineering services;

(d) Comprehensive training in the use of assistive technology devices;

(e) Procurement, installation and follow-up related to assistive technology devices.

(3) Any assistive technology device requiring an individualized prescription or fitting must be provided by a professional who meets any state licensing or certification requirements to fill the prescription or to perform the fitting. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.

(4) Telecommunications services include telecommunication devices and relay services for individuals who are deaf or hearing-impaired. Telecommunications shall be utilized as necessary for service delivery.

(5) Rehabilitation technology services shall be provided without consideration of comparable services and benefits pursuant to WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-432, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-432, filed 12/15/83. Formerly WAC 67-20-432.]

**WAC 67-25-436 Vocational rehabilitation services—Supported employment services and extended services.**

(1) Supported employment is competitive employment in an integrated setting for a participant with a severe disability who needs intensive, ongoing support to perform in a work setting. Typically, competitive employment has not traditionally occurred for these individuals or, has been interrupted or intermittent due to a severe disability.

(2) An individual shall be eligible to receive supported employment services if:

(a) The individual is eligible for vocational rehabilitation services in accordance with WAC 67-25-030;

(b) The individual needs intensive supported employment services from the department and ongoing services from other resources to perform competitive work due to the nature and severity of his or her disabilities; and

(c) Supported employment is an appropriate rehabilitation objective for the individual based on a comprehensive assessment of his or her rehabilitation needs.

(3) A participant with a vocational objective of supported employment may receive any vocational rehabilitation service described in WAC 67-25-350. Supported employment services typically include as appropriate:

(a) Individualized assessment in addition to the comprehensive assessment of rehabilitation needs;

(b) Intensive job skill training at the work site provided by skilled job trainers;

(c) Job development and placement;

(d) Interpersonal skills training;

(e) Regular observation or supervision of the individual;

(f) Follow-up services including regular contact with the employer, the individual, the individual's representative, and other appropriate professionals to reinforce and stabilize the job placement;

(g) Facilitation of natural supports at the worksite; and  
 (h) Other services similar to those in (a) through (g) of this subsection.

(4) Supported employment must occur in an integrated work setting for the maximum number of hours possible, based on the unique strengths, resources, interests, concerns, abilities, and capabilities of the participant with severe disabilities. An integrated setting is one where:

(a) Most co-workers are not disabled and the participant is not part of a work group of individuals with disabilities; or

(b) Most co-workers are not disabled, and if a job site as described in (a) of this subsection is not possible, the participant is part of a small work group of not more than eight individuals with disabilities; or

(c) If there are no co-workers, or the only co-workers are members of a small work group of not more than eight individuals all of whom have disabilities, the participant has regular contact with nondisabled individuals (other than personnel providing support services) in the immediate work setting.

(5) The participant must be paid wages consistent with the Fair Labor Standards Act. Subminimum wages may be paid in accordance with the act, depending on the severity of the individual's disability and the nature of training and support services available to the individual.

(6) The department shall provide intensive training and support during the first eighteen months of supported employment to facilitate the participant's adjustment at the worksite and determine the need for extended services from other resources. Additional services may be authorized as an exception to policy based on strong evidence that additional support is needed to stabilize the individual in employment. Support must include:

(a) Worksite visits and observation provided at least twice per month; and

(b) If appropriate and desired by the participant, off-site monitoring which must include two face-to-face meetings with the participant and one contact with the employer each month.

(7) The participant shall transition to extended services after receiving supported employment services from the vocational rehabilitation program. Extended services are ongoing support services and other appropriate services needed to support and maintain the participant in supported employment. Long-term funding for extended services may be provided through cooperative agreements with public agencies, nonprofit agencies or organizations; employers; natural supports; and any resource other than federal vocational rehabilitation funds.

(8) An individualized written rehabilitation program for supported employment must specify the expected extended services needed and, must identify the source, including natural supports, of extended services. If the source of extended services cannot be identified when the individualized written rehabilitation program is developed, supported employment services shall be initiated if documentation supports a reasonable expectation that such sources will become available within six months.

(9) A participant with a vocational objective of supported employment may receive post-employment services in accordance with WAC 67-25-444 when the services to be

provided are not the responsibility of the extended services provider.

(10) The department shall provide transitional employment services as supported employment services for a participant with a severe disability due to mental illness. Transitional employment is a series of temporary competitive job placements in integrated work settings with ongoing support services. In transitional employment, ongoing support services must include continuing sequential job placements until job permanency is achieved.

(11) Supported employment services are provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-436, filed 2/28/95, effective 3/31/95.]

**WAC 67-25-440 Vocational rehabilitation services—Placement.** (1) Placement services shall be provided to a participant under an individualized written rehabilitation program to assist the individual with obtaining and retaining appropriate employment consistent with his or her vocational objective.

(2) The department and participant shall be mutually responsible to find and secure suitable employment for the individual. The individualized written rehabilitation program shall describe the nature and scope of placement services to be provided by the department, and the participant's responsibility to actively and independently conduct job-seeking efforts.

(3) Placement services include the following range of activities:

(a) Job development and employer relations which may or may not be on behalf of a specific participant;

(b) Job task analysis to determine how a person who is blind or visually impaired can be accommodated in a position;

(c) Job-seeking skills training to prepare a participant for employment;

(d) Communication and negotiation with a variety of employment resources and other community resources regarding employment of people who are blind or visually impaired;

(e) Work skill building, counseling, and other follow-up services to stabilize the participant in employment until the placement goal has been satisfactorily achieved.

(4) Placement services may be provided using the following methods:

(a) Vocational rehabilitation counselors shall deliver placement services to participants as a primary function and the principal focus of their professional responsibilities and activities.

(b) An employee specializing in business relations may provide placement services through communication and negotiation with a variety of employers and community resources, regarding employment of people who are blind or visually impaired.

(c) No-cost placement resources in the community such as the state department of employment security, projects with industry, private industry council, and other entities shall be utilized whenever possible.

(d) Placement services may be purchased when it is in the participant's vocational interests, when the department's services are not otherwise available, or when placement is offered by a vendor as part of a service package.

(5) Placement services shall be terminated when the participant has been provided vocational rehabilitation services, in accordance with an individualized written rehabilitation program, which have enabled the individual to obtain and retain employment consistent with his or her capacities and abilities for at least sixty days.

(6) If a participant is placed in extended employment (formerly extended sheltered employment) in a community rehabilitation program, his or her status shall be reviewed and reevaluated by the department at least annually. The department shall make maximum efforts to place these individuals in competitive employment, including supported employment, or in training for competitive employment consistent with the informed choice of the individual or the individual's representative if appropriate.

(7) Placement services shall be provided without consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-440, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-440, filed 12/15/83. Formerly WAC 67-20-440.]

**WAC 67-25-444 Vocational rehabilitation services—Post-employment services.** (1) Post-employment services may be provided to a participant, subsequent to achieving an employment outcome, if necessary for the participant to maintain, regain, or advance in employment consistent with the individual's abilities, capabilities, and interests.

(2) Post-employment services are intended to provide short-term intervention related to the established rehabilitation objective. Accordingly, post-employment services do not require a new determination of eligibility, and may be provided as long as the established individualized written rehabilitation program and necessary documentation are available and pertinent.

(3) Post-employment services include all vocational rehabilitation services identified in WAC 67-25-350 and are subject to any conditions affecting provision of that vocational rehabilitation service.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-444, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-444, filed 12/15/83. Formerly WAC 67-20-444.]

**WAC 67-25-446 Vocational rehabilitation—Services to groups.** (1) The department may provide the following vocational rehabilitation services to groups of individuals:

(a) Establishment, development, or improvement of a public or other nonprofit community rehabilitation program providing services that promote integration and competitive employment.

(b) Development and implementation of services that enhance the use of special modes of communication and/or telecommunications for individuals with disabilities.

(c) Technical assistance and support services, such as job site modification and other reasonable accommodations, for businesses not subject to Title I of the Americans with

Disabilities Act of 1990 that are seeking to employ individuals with disabilities.

(d) Establishment of small business enterprises, operated by individuals with the most severe disabilities under supervision of the department, including, management services and supervision, and the acquisition of vending facilities, equipment, initial stocks, and supplies.

(e) Other services that promise to contribute substantially to the rehabilitation of a group of individuals but that are not related directly to the individualized written rehabilitation program of any one individual.

(2) Services to groups are provided in accordance with department procedures for the provision of these services.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-446, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 92-09-090, § 67-25-446, filed 4/17/92, effective 5/18/92. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-446, filed 12/15/83. Formerly WAC 67-20-446.]

**WAC 67-25-448 Vocational rehabilitation services—Occupational licenses, tools, equipment, initial stocks and supplies.** (1) Goods and services described in this section may be provided only under an individualized written rehabilitation program when necessary for the participant to achieve an appropriate employment outcome. Initial stocks and supplies may be provided only when a participant enters a self-employment business.

(2) Occupational licenses include any license, permit, or other written authority required by a state, city, or other government unit for the individual to enter an occupation or business.

(3) Occupational tools include those customarily required for a worker to perform efficiently on the job, and which are normally provided by workers in the same or similar trade or profession. These may include specialized tools adapted to accommodate the individual's disability.

(4) Occupational equipment includes occupational fixtures normally found in places of business. These include machinery, and appliances that are usually stationary during utilization. However, self-powered vehicles may also be provided.

(5) Initial stocks include the initial inventory of merchandise or goods necessary for a participant to enter self-employment. It may also include the initial purchase of livestock as a base stock, and stocks of seed, fertilizer, fuel, etc., for farming or agricultural self-employment.

(6) Initial supplies include expendable items necessary for the participant to carry out day-to-day business operations, and which are consumed on the premises in the course of the participant's self-employment business.

(7) Purchase, accountability, legal title, insurance, maintenance, and other considerations regarding provision of goods and services described in this section are addressed in the department's procedures governing their provision.

(8) Goods and services described in this section shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-448, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-448, filed 12/15/83. Formerly WAC 67-20-448.]

**WAC 67-25-452 Vocational rehabilitation services provided—Other goods and services.** (1) Other goods and services not described in this chapter may be provided to a participant when necessary to determine the individual's eligibility for services and rehabilitation needs, or when necessary for the individual to achieve an appropriate employment outcome.

(2) Other goods and services, except those required for assessment of the individual, shall be provided only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

[Statutory Authority: Chapter 74.15 RCW, 95-06-057, § 67-25-452, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18, 84-01-042 (Order 83-08), § 67-25-452, filed 12/15/83. Formerly WAC 67-20-452.]

**WAC 67-25-500 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-505 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-510 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-525 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-25-530 Repealed.** See Disposition Table at beginning of this chapter.

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

- (a) The result of services provided under an individualized written rehabilitation program;
- (b) Commensurate with the individual's abilities, capabilities, interests, and informed choice; and
- (c) In the most integrated setting possible, consistent with the individual's informed choice.

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

[Statutory Authority: Chapter 74.15 RCW, 95-06-057, § 67-25-540, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18, 84-01-042 (Order 83-08), § 67-25-540, filed 12/15/83. Formerly WAC 67-20-540.]

**WAC 67-25-545 Notification of termination.** The department shall provide written notification, using special modes of communication if appropriate, to every individual who has applied for services when a determination is made to terminate services to the individual. The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the participant of his or her right to an administrative review, a fair hearing, and judicial review of the decision. A description of client assistance program services shall also be provided.

[1996 WAC Supp—page 104]

[Statutory Authority: Chapter 74.15 RCW, 95-06-057, § 67-25-545, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18, 84-01-042 (Order 83-08), § 67-25-545, filed 12/15/83. Formerly WAC 67-20-545.]

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

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

- (a) Identification of the authority under which information is collected;
- (b) Explanation of the principal purposes for which the department intends to use or release information;
- (c) Explanation of whether providing requested information is mandatory or voluntary and the effects of not providing requested information;
- (d) Identification of those situations where the department requires or does not require informed written consent of the individual before information may be released; and
- (e) Identification of other agencies to which information is routinely released.

(3) All personal information must be used only for purposes directly connected with the administration of the vocational rehabilitation program. Personal information shall not be shared with advisory or other bodies not having official responsibility for administration of the program.

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

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

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

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

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

(b) Information shall be released only to persons officially connected with the audit, evaluation, or research;  
 (c) Information shall not be released to the participant;  
 (d) Information shall be managed in a manner to safeguard confidentiality; and

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

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

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

However, medical or psychological information that the department determines may be harmful to the individual may be released if the agency or organization assures the department that information shall be used only for the purpose for which it is being provided and shall not be released to the participant.

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

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

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

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-550, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-550, filed 12/15/83. Formerly WAC 67-20-550.]

**WAC 67-25-560 Administrative review.** (1) Any participant who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents concerning the provision or denial of vocational rehabilitation services may request a fair hearing in accordance with WAC 67-25-570, or an administrative review as described in this section. Administrative review is an informal process conducted by the director or the director's designee to resolve a request for review without conducting a formal hearing.

(2) A request for administrative review must be made by the participant, the individual's representative, or an advocate working with permission of the participant, and must be submitted within sixty days after the date of the decision or action by the department which is the basis for the request.

(3) The request for review may be made to any agency representative either verbally or in writing. A verbal request shall promptly be reduced to writing by the agency representative and shall:

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

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

(c) Include the address of the participant or individual's representative;

(d) Include information concerning administrative review and fair hearing rights and procedures, and a description of client assistance program services; and

(e) Indicate by signature of the participant, or the individual's representative, that the individual agrees to waive the forty-five-day time period for scheduling a fair hearing, in accordance with WAC 67-25-570, until conclusion of the administrative review process.

(4) An administrative review shall be conducted within thirty days after submission of the request for review.

(5) Within twenty days after the conclusion of the administrative review the reviewer shall make a determination and shall provide to the participant, or to the individual's representative, a written report of the findings and grounds for the decision. The individual shall also be advised of the right to request and receive a fair hearing by an administrative law judge, in accordance with WAC 67-25-570, if dissatisfied with the administrative review decision.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-560, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 90-11-047 § 67-25-560, filed 5/11/90, effective 6/11/90. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-560, filed 12/15/83. Formerly WAC 67-20-560.]

**WAC 67-25-570 Fair hearing.** (1) Any participant who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents concerning the provision or denial of vocational rehabilitation services or is dissatisfied with the results of an administrative review, may request from the department, and shall thereupon be granted, a fair hearing. A participant who desires a fair hearing shall request the hearing within sixty days after the date of the decision or action by the department which is the basis for the request for fair hearing.

(2) A request for fair hearing shall be sent to the Director, Department of Services for the Blind, 521 East Legion Way, Olympia, WA 98504-4093, who shall forward it to the office of administrative hearings within five working days.

(3) The office of administrative hearings shall appoint an administrative law judge and shall schedule a fair hearing within forty-five days after receiving the request.

(4) The individual, or the individual's representative shall be given an opportunity to:

(a) Present additional evidence, information, and witnesses to the administrative law judge;

(b) Be represented by counsel or other appropriate advocate;

(c) Examine all witnesses and other relevant sources of information and evidence.

(5) Within thirty days after completion of the hearing, the administrative law judge shall make an initial decision based on provisions of the approved state plan, the act, and federal and state vocational rehabilitation regulations and policies, and shall provide to the individual, or the individual's representative, and to the director of the department a full written report of the findings and grounds for the decision.

(6) The director shall notify the participant or the individual's representative in writing within twenty days after receiving the administrative law judge's decision that:

(a) The decision is accepted as the final determination; or

(b) The director has decided to review the initial decision of the administrative law judge.

(7) If the director fails to provide notice in accordance with subsection (6) of this section, the administrative law judge's decision becomes a final decision.

(8) The director shall not overturn or modify a decision, or part of a decision, of an administrative law judge that supports the position of the individual unless the director concludes, based on clear and convincing evidence that one or more of the following criteria apply:

(a) The initial decision appears arbitrary or capricious;

(b) The initial decision does not appear to be supported by substantial evidence;

(c) The administrative law judge has not given adequate consideration to: Federal statute and regulations; the department state plan; the department policies and procedures; options in service delivery authorized by federal statute; restrictions on service provision specified by federal statute; or, other state or federal policies.

(9) If the director decides to review the decision of the administrative law judge, the participant, or the individual's representative, shall be given opportunity to submit additional evidence and information relevant to the final decision.

(10) Within thirty days after providing notice of intent to review the administrative law judge's decision, the director shall make a final decision, and shall provide to the individual, or the individual's representative, a full written report of the findings and grounds for the decision.

(11) A participant who is dissatisfied with the final result of the fair hearing may file a petition for reconsideration with the office of administrative hearings in accordance with RCW 34.05.470, or the individual may file a petition for review in superior court.

(12) The department shall not suspend, reduce, or terminate any services being provided under an individualized written rehabilitation program pending a final determination of any administrative review or fair hearing, unless the individual, or the individual's representative so requests, or the department has evidence that the services were obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual.

(13) Communication with the participant or the individual's representative during any administrative review, fair hearing or judicial review shall be conducted in a language reasonably expected to be understood by the individual including use of special modes of communication as appropriate.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-570, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. 90-11-047, § 67-25-570, filed 5/11/90, effective 6/11/90; 88-09-006 (Order 88-1), § 67-25-570, filed 4/11/88. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-570, filed 12/15/83. Formerly WAC 67-20-570.]

**WAC 67-25-590 Client records.** The department shall maintain for each participant a record of services that

includes, to the extent pertinent, the following documentation:

(1) If an applicant has been determined ineligible:

(a) A written and dated statement of ineligibility signed by the appropriate staff member;

(b) Documentation specifying reasons for the ineligibility determination; and

(c) Documentation of a review of the determination not later than twelve months after the determination was made, except as provided in WAC 67-25-056.

(2) When an individual is determined eligible:

(a) A written and dated statement of eligibility signed by the appropriate staff member; and

(b) Supporting rationale for the determination, including documentation from the assessment for determining eligibility, in accordance with WAC 67-25-020.

(3) If it is determined that an extended evaluation for an individual with a severe disability is necessary to make an eligibility determination:

(a) A written and dated statement of this determination signed by the appropriate staff member;

(b) Supporting documentation, including the determination that the individual is an individual with a severe disability; and

(c) Documentation of periodic assessments in accordance with WAC 67-25-100.

(4) The individualized written rehabilitation program for the individual in accordance with WAC 67-25-260, 67-25-270, and 67-25-275.

(5) Documentation from the assessment for determining vocational rehabilitation needs in accordance with WAC 67-25-255 and 67-25-257 to support:

(a) The determination of the long-term vocational goal and intermediate rehabilitation objectives for the individual; and

(b) The nature and scope of services needed to achieve the intermediate objectives and long-term goal.

(6) Documentation of how the individual was provided information necessary to make informed choices in selecting the long-term vocational goal, intermediate rehabilitation objectives, rehabilitation services, and providers of services identified in the individualized written rehabilitation program.

(7) Documentation of how the individual was provided information regarding the level of integration of service provision and job placement options. If the individualized written rehabilitation program provides for services or a job placement in a nonintegrated setting, a justification for that nonintegrated setting.

(8) If physical and mental restoration services are provided, documentation supporting the determination that the clinical status of the individual is stable or slowly progressive.

(9) Documentation supporting any decision to provide services to family members.

(10) Documentation of the individual's participation in the cost of any vocational rehabilitation services.

(11) Documentation of the individual's eligibility for and use of any comparable services and benefits.

(12) Documentation that the individual has been advised of the confidentiality of all personal information, and that any information about the individual has been released with



the individual's informed written consent, in accordance with WAC 67-25-550.

(13) Documentation of the reason for terminating services to an individual, and, if the individual was determined rehabilitated, the basis for that determination in accordance with WAC 67-25-540.

(14) Documentation of any plans to provide post-employment services after the employment outcome has been achieved, the basis on which these plans were developed, and a description of services provided and outcomes achieved.

(15) Documentation concerning any action and decision resulting from a request for administrative review or fair hearing in accordance with WAC 67-25-560 or 67-25-570.

(16) If an individual has been provided vocational rehabilitation services under an individualized written rehabilitation program, but after the initiation of these services he or she has been determined no longer capable of achieving an employment outcome, documentation of any reviews of this determination in accordance with WAC 67-25-056.

[Statutory Authority: Chapter 74.15 RCW. 95-06-057, § 67-25-590, filed 2/28/95, effective 3/31/95. Statutory Authority: 1983 c 194 § 18. 84-01-042 (Order 83-08), § 67-25-590, filed 12/15/83. Formerly WAC 67-20-590.]

### Chapter 67-35 WAC

#### VENDING FACILITY PROGRAM FOR THE BLIND

##### WAC

- 67-35-030 Terms defined.
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- 67-35-220 Department and vendor responsibility—Initial consumable stocks and cash.
- 67-35-230 Department and vendor responsibility—Maintained facility and equipment.
- 67-35-350 Repealed.
- 67-35-360 Vendor responsibility—Termination of agreement.
- 67-35-430 Reasons for suspension of operating agreement prior to evidentiary hearing.

##### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 67-35-350 Vendor responsibility—Maintaining equipment. [Statutory Authority: Chapter 74.18 RCW. 85-18-048 (Order 85-12), § 67-35-350, filed 8/30/85. Statutory Authority: 1983 c 194 § 18. 84-01-043 (Order 83-09), § 67-35-350, filed 12/15/83. Formerly WAC 67-32-350.] Repealed by 95-12-007, filed 5/25/95, effective 6/25/95. Statutory Authority: Chapter 74.18 RCW.

**WAC 67-35-030 Terms defined.** The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the

better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.

(5) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.

(6) "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, Social Security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.

(7) "Department" means the Washington department of services for the blind.

(8) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.

(9) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States including the Department of Defense and the United States Postal Service, or any other instrumentality wholly owned by the United States.

(10) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.

(11) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.

(12) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

(13) "Net proceeds" - (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors).

(14) "Other property" means property which is not federal property.

(15) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property,

whereby the department is authorized to establish a vending facility.

(16) "Public building" means any building which is owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building: *Provided*, That any vending facility or vending machine under the jurisdiction and control of a local board of education shall not be included without the consent and approval of that local board.

(17) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

(18) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of 34 CFR, section 395.8 (a), (b), and (c).

(19) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and tables for seating. Vending machines may be part of a cafeteria.

(b) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as snack bars, lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.

(i) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.

(ii) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.

(iii) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.

(c) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services.

Characteristically, there is no provision for booth or table seating at such a facility.

(20) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

(21) "Primary location" means any location that is acquired through the bid process pursuant to the provisions of WAC 67-35-070.

(22) "Nonprimary location" means any location that is bid per WAC 67-35-070 and is awarded for a temporary period of time not to exceed one year from the date of award.

(23) "Essential equipment" means those individual pieces of equipment, furnishings, and machinery which the department deems as basic and crucial to the operation of each particular vending facility.

(24) "Smallwares" means all other equipment, furnishings, and machinery not specifically listed by the department as "essential equipment" for each particular vending facility.

[Statutory Authority: Chapter 74.18 RCW. 95-12-007, § 67-35-030, filed 5/25/95, effective 6/25/95; 94-11-054, § 67-35-030, filed 5/10/94, effective 6/10/94; 93-10-067, § 67-35-030, filed 5/3/93, effective 6/3/93; 92-10-024, § 67-35-030, filed 4/29/92, effective 5/30/92. Statutory Authority: 1983 c 194 § 18. 84-09-048 (Order 84-06), § 67-35-030, filed 4/16/84; 84-01-043 (Order 83-09), § 67-35-030, filed 12/15/83. Formerly WAC 67-32-030.]

**WAC 67-35-210 Department responsibility—Essential equipment and smallwares.** The department will provide essential equipment and initial smallwares the department deems appropriate for the efficient operation of the vending facility. The right, title to, and interest in all initial equipment and smallwares will be vested in the department.

[Statutory Authority: Chapter 74.18 RCW. 95-12-007, § 67-35-210, filed 5/25/95, effective 6/25/95. Statutory Authority: 1983 c 194 § 18. 84-01-043 (Order 83-09), § 67-35-210, filed 12/15/83. Formerly WAC 67-32-210.]

**WAC 67-35-215 Vendor responsibility—Smallwares.** The vendor is required to maintain all smallwares in good condition as established by the department at the time the vendor assumes operation of the facility. In the event that any smallwares must be replaced, the vendor will pay the cost of replacement.

In the event that a vendor should discontinue to operate the vending facility, the vendor or the vendor's heirs will furnish to the department an amount of smallwares equal to those initially provided for the vending facility, in suitable condition as determined by departmental policy.

[Statutory Authority: Chapter 74.18 RCW. 95-12-007, § 67-35-215, filed 5/25/95, effective 6/25/95.]

**WAC 67-35-220 Department and vendor responsibility—Initial consumable stocks and cash.** The department will provide funds for the initial consumable stocks and supplies, and minimum operating cash required to commence operation of the facility, as determined by departmental policy.

The vendor will be required to repay the department for the initial consumable stocks and supplies and operating cash according to a set repayment plan as outlined in departmental policy.

The right to and interest in the initial consumable stock and operating cash will remain with the department until the vendor has repaid the department in full. In the event that a vendor should discontinue to operate the vending facility, the vendor or the vendor's heirs will furnish to the department an amount of saleable stock as determined by departmental policy, and/or cash equal in monetary value to the amount currently owed to the department under the conditions of the repayment plan.

[Statutory Authority: Chapter 74.18 RCW. 95-12-007, § 67-35-220, filed 5/25/95, effective 6/25/95. Statutory Authority: 1983 c 194 § 18. 84-01-043 (Order 83-09), § 67-35-220, filed 12/15/83. Formerly WAC 67-32-220.]

**WAC 67-35-230 Department and vendor responsibility—Maintained facility and equipment.** (1) The department will, within program resources, maintain or cause to be maintained each facility in good repair and attractive condition. The department will, within program resources, or in accordance with terms and conditions of the permit or contract, replace, or cause to be replaced obsolete or worn-out equipment which has been deemed essential for the operation of the vending facility.

(2) When a vendor takes over the operation of a vending facility, the department will, within program resources, pay for all repair charges during the first six months of operation. After the first six months of operation, the vendor will be required to pay the cost of all repairs and maintenance on all facility equipment. Failure to promptly repair essential equipment will be grounds for immediate suspension of a vendor's operating agreement prior to an evidentiary hearing (WAC 67-35-430).

(3) The vendor will be responsible to exercise proper care of and maintain all equipment and furnishings assigned to the vending facility. This includes, but is not limited to, proper and regular cleaning and sanitation practices. A regular maintenance schedule will be provided by the vendor to the department for approval.

(4) For purposes of this section, vending facility equipment shall include equipment provided by the department and equipment furnished as a part of the contract or permit for which the department and operator assumes the responsibility of maintenance.

[Statutory Authority: Chapter 74.18 RCW. 95-12-007, § 67-35-230, filed 5/25/95, effective 6/25/95; 94-15-052, § 67-35-230, filed 7/15/94, effective 8/15/94. Statutory Authority: RCW 74.28.200 - 74.28.230 [74.18.200 - 74.18.230]. 86-08-010 (Order 86-2), § 67-35-230, filed 3/21/86. Statutory Authority: 1983 c 194 § 18. 84-01-043 (Order 83-09), § 67-35-230, filed 12/15/83. Formerly WAC 67-32-230.]

**WAC 67-35-350 Repealed.** See Disposition Table at beginning of this chapter.

**WAC 67-35-360 Vendor responsibility—Termination of agreement.** Any vendor whose agreement with the department has been terminated for any reason is responsible to return to the department miscellaneous equipment, smallwares, initial stock and supplies, and minimum operating cash equal in monetary value as determined by departmental policy to those originally furnished by the vending facility program. Any vendor refusing to comply with the responsibilities in this section shall have

their license terminated subject to the opportunity for a full evidentiary hearing.

[Statutory Authority: Chapter 74.18 RCW. 95-12-007, § 67-35-360, filed 5/25/95, effective 6/25/95. Statutory Authority: 1983 c 194 § 18. 84-01-043 (Order 83-09), § 67-35-360, filed 12/15/83. Formerly WAC 67-32-360.]

**WAC 67-35-430 Reasons for suspension of operating agreement prior to evidentiary hearing.** If the department determines that its right, title to and interest in a vending facility is in eminent jeopardy due to the action, or lack of action of the vendor or licensee, the department may suspend the operating agreement of the vendor or licensee and remove the vendor or licensee from the vending facility, pending an informal resolution of the problem, a full evidentiary hearing, or the decision of an ad hoc arbitration panel. The department may suspend a vendor or licensee for the following reasons:

(1) Failure to provide the department with vendor financial reports, and to provide them within the established time frame.

(2) Failure to purchase vendor liability insurance for his/her vending facility as required in WAC 67-35-310 and/or failure to provide the department with proof of said insurance.

(3) The vendor ceases to meet any of the requirements to qualify as a licensee or vendor as required in chapter 67-35 WAC.

(4) The vendor or licensee abandons the vending facility. The vending facility shall be considered abandoned when no services are provided for three or more consecutive working days and/or when there is no designated employee in charge of the operation.

(5) When the department decides that the vending facility is not being operated in accordance with the law, applicable regulations, terms and conditions of the permit, and/or contract or the vendor agreement governing such vending facilities.

(6) Any willful or malicious destruction of, theft of, or any failure to exercise necessary care for the equipment furnished by the department or agency named in the permit and/or contract, inclusive of all repairs and maintenance as outlined in WAC 67-35-215 and 67-35-230.

(7) When the conduct of the vendor seriously interferes with any aspect of the operation of the vending facility. Such conduct includes, but is not limited to, the following:

(a) Fraud.

(b) Consumption of controlled substances and/or alcohol on the job.

(c) Inexcusable neglect of duties as a vendor.

(d) Embezzlement.

(e) Falsifying reports.

(f) Failure to submit to a medical eye examination when requested by the department.

(g) Any other actions or behavior which would seriously jeopardize the vending facility.

(h) Failure to pay taxes, fees, and/or debts arising from the operation of the vending facility.

[Statutory Authority: Chapter 74.18 RCW. 95-12-007, § 67-35-430, filed 5/25/95, effective 6/25/95; 89-21-046, § 67-35-430, filed 10/13/89, effective 11/13/89. Statutory Authority: 1983 c 194 § 18. 84-01-043 (Order 83-09), § 67-35-430, filed 12/15/83. Formerly WAC 67-32-430.]