

WAC 67-25-283 Vocational rehabilitation services—Comparable services. (1) Consideration of comparable services and benefits is required by the Rehabilitation Act (as amended). Therefore, this section prevails over all other sections describing conditions under which vocational rehabilitation services shall be provided.

(2) Comparable services and benefits include 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) The vocational rehabilitation counselor has 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 in accordance with WAC 67-25-130, 67-25-160, 67-25-183, 67-25-205, 67-25-210, and 67-25-220;

(b) Counseling and guidance in accordance with WAC 67-25-273 including information and support services to assist an individual in exercising informed choice in accordance with WAC 67-25-073;

(c) Referral and other services to secure needed services from other agencies, including other components of the workforce development system, if those services are not available under this subsection, in accordance with WAC 67-25-061;

(d) Job-related services, including job search and placement assistance, job retention services, follow-up services, and follow-along services in accordance with WAC 67-25-340, 67-25-355, and 67-25-440;

(e) Rehabilitation technology services in accordance with WAC 67-25-425;

(f) Services listed in (a) through (e) of this subsection as post-employment services in accordance with WAC 67-25-450.

(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 a qualified medical professional, indicating a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously; 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 in accordance with WAC 67-25-310;

(b) Maintenance in accordance with WAC 67-25-370;

(c) Transportation in accordance with WAC 67-25-383;

(d) Services to family members in accordance with WAC 67-25-485;

- (e) Interpreter and translation services in accordance with WAC 67-25-393;
 - (f) Reader services in accordance with WAC 67-25-403;
 - (g) Training at institutions of higher education in accordance with WAC 67-25-320 and 67-25-330;
 - (h) Supported employment services in accordance with WAC 67-25-430;
 - (i) Personal assistance services in accordance with WAC 67-25-410;
 - (j) Post-employment services, in accordance with WAC 67-25-450, except as specified in subsection (5) of this section;
 - (k) Occupational licenses, tools, equipment, initial stocks and supplies in accordance with WAC 67-25-465;
 - (l) Transition services for youth in accordance with WAC 67-25-305;
 - (m) Other goods and services not specified in this section.
- (8) Consideration of comparable services and benefits shall be documented in the customer's case services record and shall include sources of assistance considered, whether the customer 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.
- (9) 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: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-283, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-360, filed 4/4/05, effective 5/5/05. Statutory Authority: Chapter 74.15 RCW. WSR 95-06-057, § 67-25-360, filed 2/28/95, effective 3/31/95. Statutory Authority: Chapter 74.18 RCW. WSR 85-18-046 (Order 85-10), § 67-25-360, filed 8/30/85. Statutory Authority: 1983 c 194 § 18. WSR 84-19-003 (Order 84-04), § 67-25-360, filed 9/6/84.]