



**RULE-MAKING ORDER**  
(RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Department of Services for the Blind

- Permanent Rule  
 Emergency Rule

(1) Date of adoption: February 28, 1995

(2) Purpose:

To update WACs according to the Rehabilitation Act and Amendments of 1992 (Federal Law) and to clarify language to be understandable.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 67-25-005 - 67-25-590 - Entire chapter of Vocational Rehabilitation

Suspended:

(4) Authority for adoption:

Statute: RCW 74.15

Other Authority:

(5.1) **PERMANENT RULE ONLY** 94-24-068 (pa)

Pursuant to notice filed as WSR ~~94-26-048~~ on Dec. 6, 1994 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

31 days after filing

Immediately

Other (specify) \_\_\_\_\_ \*

Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

**CODE REVISER USE ONLY**

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

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NAME (TYPE OR PRINT)

Shirley A. Smith

SIGNATURE

TITLE

Director

DATE

1-31-95

AMENDATORY SECTION (Amending WSR 91-20-010, filed 9/20/91, effective 10/21/91)

**WAC 67-25-005 Definitions.** (1) (~~"Accepted for services"~~ shall mean that the department has determined that the applicant has been certified as eligible to receive vocational rehabilitation services.

~~(2)) "Act" or "the law," except when context indicates otherwise,~~ means the Rehabilitation Act of 1973 (29 U.S.C. (chapter 16)) Section 701 et seq., as amended.

~~((3) "Adaptive skills assessment and training" includes assessment and training in the skills which are necessary for blind persons to function independently in all settings as distinguished from the vocational skills necessary to perform a specific occupation. The adaptive skills assessment and training provided by the department include communications, personal management, orientation and mobility, personal adjustment, home management, activities of daily living, and client's use of residual vision.~~

~~(4)) (2) "Applicant" ((shall)) means an individual who has submitted to the department ((a letter or)) an application or letter requesting vocational rehabilitation services ((which:~~

~~(a) Has been signed by the individual, his/her parents or guardian or other representative; and~~

~~(b) Sets forth the name, address, age, sex, and nature of disability of the requesting individual and source of referral.~~

~~(5) "Client" shall mean any handicapped individual:~~

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

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

~~(6) "Comparable services and benefits" is a financial resource for which a client is legally qualified, or entitled, or meets the criteria for obtaining without undue contingencies. The financial resource must be an organized, ongoing form of service or financial assistance, whether public or private. It must be free or may require a deductible, coinsurance feature, token payment or personal claim.~~

~~(7)) 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" ((shall)) means the legal authority in its entirety:

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

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

((+8)) (7) "Director," except when the context indicates otherwise, means the director of the department of services for the blind.

((+9)) (8) "Eligible" or "eligibility certification," when used in relation to an individual's qualification for vocational rehabilitation services, ((refers to)) means a certification that:

(a) The individual is legally blind or ((visually impaired);

(b) ~~Has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and~~

(c) ~~Vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability.~~

(10) "Employability" means a determination that with the provision of vocational rehabilitation services, the individual is likely to enter or retain as a primary objective, full time employment or, if appropriate, part time employment, consistent with the capacities or abilities of the individual in the competitive labor market; the practice of a profession; self-employment; homemaking; farm or family work (including work for

which payment is in kind rather than cash); sheltered employment; home based employment; supported employment; or other gainful work.

(11) "Evaluation of rehabilitation potential" means, as appropriate, in each case:

(a) A preliminary diagnostic study to determine:

(i) That an individual has blindness or visual impairment and a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(ii) That vocational rehabilitation services may reasonably be expected to benefit the individual in terms of employability, and that the individual is eligible therefore for vocational rehabilitation services;

(b) A thorough diagnostic study consisting of a comprehensive evaluation of pertinent factors, which bear on the individual's handicap to employment and rehabilitation potential, and an appraisal of the individual's work behavior and ability to develop work patterns suitable for successful job performance in order to determine which vocational rehabilitation services may be of benefit to the individual in terms of employability;

(c) Any other goods or services provided for the purposes of ascertaining the nature of the handicap and whether it may reasonably be expected that the individual can benefit from vocational rehabilitation services in terms of employability;

(d) The provision of vocational rehabilitation services to an individual for a total period of extended evaluation not in excess of eighteen months for the purpose of determining whether such individual is a handicapped individual for whom a vocational goal is feasible, including the initiation and continuing development of an individual written rehabilitation program, and a periodic assessment of the results of the provision of such services to ascertain whether an individual is an eligible individual for whom a vocational goal is feasible.

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

(a) Any relative by blood or marriage of a handicapped individual; and

(b) Other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(13) "Handicapped individual" means an individual:

(a) Who has a physical or mental disability which for such individual constitutes or results in a substantial handicap to employment; and

(b) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services, or for whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services)) 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" ((for purposes of this chapter is)) means a physical ((disability)) impairment defined as ((follows)):

(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" ((shall)) 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 ((clients)) participants.

(16) "Ophthalmological consultant" ((shall)) 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) (~~"Physical and mental restoration services" means those services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive.~~) "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 ((disability)) impairment" means ((a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or)) 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 ((disability)) impairment" includes legal blindness and/or visual impairment.

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

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

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

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

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

(20) "Referral" is defined as any individual who applied or has been referred to a department office by letter, telephone, direct contact or by any other means for whom the minimum information has been furnished:

(a) Name and address;

(b) Disability;

(c) Age and sex;

(d) Date of referral; and

(e) Source of referral.

(21) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to handicapped individuals and which provides one or more of the following services for handicapped individuals:

(a) Vocational rehabilitation services which shall include under one management, medical, psychological, social, and vocational services;

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

~~(c) Prevocational conditioning or recreational therapy;~~

~~(d) Physical and occupational therapy;~~

~~(e) Speech and hearing therapy;~~

~~(f) Psychological and social services;~~

~~(g) Evaluation of rehabilitation potential;~~

~~(h) Personal and work adjustment;~~

~~(i) Orientation and mobility training and other adjustment services;~~

~~(j) Braille instruction;~~

~~(k) Evaluation or control of specific disabilities;~~

~~(l) Transitional or extended employment for those handicapped individuals who cannot be readily absorbed in the competitive labor market provided that all medical and related health services must be prescribed by, or under the formal supervision of, persons licensed to prescribe or supervise the provision of such services in the state.~~

~~(22)) "Rehabilitation teacher" (RT) ((shall refer to)) means an employee of the department who has responsibility to ((determine eligibility, and to develop and implement individual written rehabilitation programs leading to a vocational outcome of homemaker. The full range of vocational rehabilitation services may be provided or purchased as determined by the needs of the individual written rehabilitation program.~~

~~(23))~~;

(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 ((handicap)) impediment to employment" means that a physical or mental ((disability)) impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) impedes an individual's occupational performance, by preventing ((his/her)) him or her from obtaining, retaining, or preparing for employment consistent with his((/)) or her capacities and abilities.

~~((24))~~ (23) "Visual impairment" for ((the)) purposes of this chapter ((is)), means a physical ((disability)) 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 ~~((handicap))~~ impairment or to legal blindness.

~~((25))~~ (24) "Vocational rehabilitation counselor" (VRC) ~~((shall refer to))~~ means an employee of the department who has direct responsibility for providing~~((r))~~ or supervising the provision of all vocational rehabilitation services to a ~~((client of the department))~~ participant.

~~((26))~~ (25) "Vocational rehabilitation services~~((r))~~" ~~((shall))~~ means any ~~((of the following:~~

~~(a) Any))~~ goods or services ~~((provided to a client that is likely to enable him/her to enter or retain employment consistent with his/her capacities and abilities in the competitive labor market.~~

~~(b) Any goods or services provided to a client for the purpose of extended evaluation to determine his/her rehabilitation potential.~~

~~(c) The establishment, construction, development, operation, and maintenance of workshops and rehabilitation facilities.~~

~~(d) The provision of any facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation program.~~

~~(27) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.)~~ necessary for a participant to achieve an employment outcome. (See WAC 67-25-350 for description and limitations.)

#### AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

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

(2) Any ~~((handicapped person))~~ 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 ~~((person))~~ individual requesting services or ~~((by his/her parent or guardian or other representative.~~

~~(4) The written application shall contain the following information),~~ if appropriate, by the individual's representative, and shall include:

(a) The applicant's name and address;

(b) The ~~((nature of the))~~ applicant's disability; and



~~(c) The applicant's ((age and sex;~~

~~(d) The date of application;~~

~~(e) The name of the person or agency, if any, who has referred the applicant to the department)) Social Security number.~~

~~((5)) (4) The department shall not provide vocational rehabilitation services to any ((person)) individual who has failed to submit a signed, and dated letter or application ((in writing)) containing the above information.~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

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

~~(2) ((At this initial interview))~~ 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 ~~((with regard to his/her case))~~ on his or her behalf through: Administrative appeal ((and)) in accordance with WAC 67-25-560; fair hearing ((procedures)) in accordance with WAC 67-25-570; and judicial review; ((review by the secretary of the federal office of education;))

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

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

(e) Obtain ((any general)) information from the applicant ((which might be useful in determining his/her)) necessary to determine his or her eligibility for vocational rehabilitation services.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-020 Preliminary ~~((diagnostic study))~~ assessment.**

(1) A preliminary ~~((diagnostic study will))~~ assessment shall be conducted for each applicant to determine whether:

(a) The individual ~~((has a physical or mental disability which for such individual constitutes or))~~ is legally blind or has a visual impairment which alone or combined with other disabilities results in a substantial ((handicap)) impediment to employment; and

(b) Vocational rehabilitation services ~~((may reasonably be expected to benefit))~~ are required for the individual ((in terms of employability, or whether an extended evaluation of rehabilitation potential is necessary to make such a determination.

~~(2) The preliminary diagnostic study will include such examinations and diagnostic studies as are necessary to determine eligibility:~~

~~(a) In all cases, will include an appraisal of the current general health status of the individual; and~~

~~(b) In all cases, will include an examination of the individual's eyes by an ophthalmologist, a physician skilled in the diseases of the eye or by a licensed optometrist.~~

~~(3) The department shall record in writing the results of each applicant's preliminary study) 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-025 Eligibility for services.** (1) The department shall ~~((make an eligibility determination as to every applicant))~~ determine whether an individual is eligible for vocational rehabilitation services ~~((The determination of eligibility shall be made as soon as possible after application.~~

~~(2) The department shall base its eligibility determination on the results of the preliminary diagnostic study and extended evaluation, if any))~~ 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.

**WAC 67-25-030 Eligibility for services--Criteria. (1)**

Eligibility shall be based only upon evidence that:

~~(a) The ((existence of a condition of legal blindness or visual impairment as defined in WAC 67-25-005;~~

~~(b) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment; and~~

~~(c) A reasonable expectation that vocational rehabilitation services may benefit the individual in terms of employability.~~

~~(2) Persons who are found to be blind or visually impaired and who also have a physical or mental disability which for that person constitutes or results in a substantial handicap to employability, but for whom the usual scope of services offered by the department are not expected to benefit the individual in terms of employability may be referred to other service providers or may be provided services through a cooperative plan with other service providers)) 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 ((will be provided by the department)) are applied without regard to ((sex, race, age, creed, color, or national origin of the individual applying for service)) the race, color, sex, religion, national origin, creed, marital status, or age of the applicant.~~

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

~~(5) No ((person)) individual shall be found ineligible ((for services solely on the basis of age.~~

~~(6) No person shall be found ineligible for services based on residence requirement, durational or other)) 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.~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

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

(2) ~~((Whenever it has been determined on the basis of clear evidence that an))~~ If the individual is determined ineligible for vocational rehabilitation services, there shall be a certification((7)) of ineligibility which shall be dated and signed by the vocational rehabilitation counselor or ((rehabilitation teacher)) other appropriate staff member.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-055 Eligibility determination--Notice to applicant.** (1) The ~~((individual))~~ 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) ~~((He/she shall be informed of the department's procedure for administrative review, fair hearings, and judicial review if he/she is dissatisfied with the department's decision.))~~ 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 ~~((was))~~ is determined ~~((to be))~~ ineligible for vocational rehabilitation services, the ~~((certification))~~ notice shall clearly specify how he ~~((/))~~ or she failed to meet the ~~((criteria of))~~ eligibility criteria.

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

~~((5))~~ Decisions of ineligibility will be reviewed at least annually. The individual will be given a full opportunity to participate in the review and reconsideration of eligibility.)

NEW SECTION

**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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-070 Extended evaluation.** Extended evaluation is the process ~~((by which diagnostic and other))~~ of providing assessment and related vocational rehabilitation services ~~((are provided))~~ to an applicant for the limited purpose of ~~((facilitating the))~~ eligibility determination ~~((of his/her rehabilitation potential and eligibility))~~, 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 ~~((a))~~ an eligibility determination ~~((of eligibility has not and))~~ can not be made within the usual ~~((eligibility determination))~~ procedure.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-075 Extended evaluation--Eligibility criteria.** ~~((Furnishing of vocational rehabilitation services under an extended evaluation to determine rehabilitation potential shall be based only upon:~~

(1) The presence of a physical or mental disability which for the individual constitutes or results in a substantial handicap to employment (physical disability includes a primary disability of blindness or visual impairment); and

(2) An inability to make a determination that vocational rehabilitation services might benefit the individual in terms of employability unless there is an extended evaluation to determine rehabilitation potential.) 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-077 Certification for extended evaluation to determine ~~((rehabilitation potential))~~ 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 ~~((potential))~~ services, there ~~((will))~~ shall be a certification that the individual ~~((has met the))~~ meets eligibility ~~((requirements))~~ criteria specified in WAC 67-25-075. The ~~((certified statement will))~~ certification shall be dated and signed by the vocational rehabilitation counselor or ~~((rehabilitation teacher))~~ 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

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

(2) ~~((A copy of the written program and any amendments thereto shall be provided to the handicapped individual or, as appropriate, parent, guardian or other representative.))~~ 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 ((the basis on which a determination of eligibility has been made that an extended evaluation of rehabilitation potential is necessary.~~

~~(4) The program shall specify the nature of the vocational rehabilitation services necessary to determine the client rehabilitation potential and shall specify the arrangements which shall be made to provide for and/or otherwise secure such necessary services.~~

~~(5) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service, and the time within which the objectives and goals for each individual might be achieved.~~

~~(6) The terms and conditions for the provision of vocational rehabilitation services including:~~

~~(a) Responsibilities of the handicapped individual in implementing the individualized written rehabilitation program;~~

~~(b) The extent of client participation in the cost of services based on the financial need of the client; and~~

~~(c) The extent to which the individual is eligible for similar benefits under any other program.~~

~~(7) An assurance that the handicapped individual has been informed of his/her rights and the means by which he/she may express and seek remedy for his/her dissatisfactions, including the opportunity for an administrative review of the department's action and fair hearings; and the opportunity for judicial review):~~

(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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-085 Extended evaluation--Services provided.** The following vocational rehabilitation services (~~will be available to individuals:~~

~~(1) Evaluation, including diagnostic and related services;~~

~~(2) Counseling and guidance;~~

~~(3) Physical and mental restoration services;~~

~~(4) Training, including personal and vocational adjustment, books, tools, and other training materials;~~

~~(5) Maintenance;~~

~~(6) Transportation;~~

~~(7) Services to members of a handicapped individual's family when such services are necessary to the adjustment of rehabilitation of the handicapped individual;~~

~~(8) Reader services for the blind;~~

~~(9) Interpreter services for the deaf;~~

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

~~(11) Other goods and services including rehabilitation teaching and orientation and mobility which are necessary to determine the client's rehabilitation potential)) 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-090 Extended evaluation--Services not provided.**

The following goods and services cannot be provided until ~~((decisions have been reached as to a client's))~~ the participant's specific employment objective((s)) 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 ((and))<sub>L</sub> equipment<sub>L</sub> or initial stocks and supplies in accordance with WAC 67-25-448;

(3) Business enterprises in accordance with WAC 67-25-448;

(4) ~~((Occupational licenses.))~~ Supported employment services in accordance with WAC 67-25-436.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-095 Extended evaluation--Duration ~~((and scope))~~ of services.** ~~((1) Vocational rehabilitation services necessary for the determination of rehabilitation potential, including those provided within a thorough diagnostic study, may be provided to a~~

handicapped individual for a total period not in excess of eighteen months.

~~(2) Other conditions:~~

~~(a) The extended evaluation period shall begin with the date of the certification for extended evaluation to determine rehabilitation potential. Only one period not in excess of eighteen months shall be permitted during the period that the case is open. If a case has been closed as a result of determination that the handicapped individual's needs have changed, such a case may be reopened and a subsequent evaluation of rehabilitation potential may be carried out, provided that the conditions in "basic conditions of extended evaluation to determine rehabilitation" are met.~~

~~(b) Vocational rehabilitation services authorized after the expiration of the extended evaluation period will be provided only if the certification of eligibility required has been executed by the vocational rehabilitation counselor or rehabilitation teacher.)~~ (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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-100 Extended evaluation--Assessment.** ((A thorough assessment of the individual's progress will be made as frequently as necessary, but at least once in every ninety day period during the period in which services are being provided under an extended evaluation of rehabilitation potential, including periodic reports from the institution, facility, or person providing the services, to determine the results of the provision of such services and to determine whether such individual may be determined to be eligible or ineligible.)) (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.

**WAC 67-25-110 Extended evaluation--Termination.** (~~(1)~~ At any time prior to the expiration of an eighteen-month extended evaluation period, the extended evaluation for the determination of rehabilitation potential shall be terminated when:

(a) ~~The individual is found eligible for vocational rehabilitation services since there is a reasonable assurance that he/she can be expected to benefit in terms of employability from vocational rehabilitation services; or~~

(b) ~~The individual is found ineligible for any additional vocational rehabilitation services since it has been determined on the basis of clear evidence that he/she cannot be expected to benefit in terms of employability from vocational rehabilitation services.~~

~~(2) In such cases the procedures outlined in WAC 67-25-280 must be followed.) (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.~~

**WAC 67-25-255 ((~~Thorough diagnostic study~~)) Comprehensive assessment.** (~~(1)~~ There will be a thorough diagnostic study which will determine the nature and scope of services needed by the individual, and which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, and other related factors which bear on the individual's handicap to employment and rehabilitation needs.

~~(2) The thorough diagnostic study will be sufficient in each case to determine the vocational rehabilitation services which are~~

needed to attain vocational goals of the handicapped individual, and that the findings of such study will be recorded in the individualized written rehabilitation program.

(3) The thorough evaluation shall include, to the extent necessary, an appraisal of the following factors:

- (a) Intelligence level;
- (b) Educational achievements;
- (c) Work experience;
- (d) Ability to function in the community;
- (e) Personal, vocational and social adjustment;
- (f) Employment opportunities;
- (g) Patterns of work behavior;
- (h) Ability to acquire occupational skills;
- (i) Capacity for successful job performance which may include trial job situations (simulated or real) to assess capabilities to perform adequately in a work environment.

(4) The thorough evaluation shall include specialty medical examinations as required below whenever the individual is known to have the following conditions:

- (a) Blindness or visual impairment — ophthalmological or optometric evaluation;
- (b) Hearing impairment or deafness — otological and audiological evaluation;
- (c) Mental retardation — psychological evaluation;
- (d) Mental illness — psychological evaluation.)

(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.

WAC 67-25-257 (~~(Prevocational skills)~~) Assessment--Adaptive skills of blindness. (1) There (~~(will)~~) shall be an assessment of each individual's (~~(prevocational skills prior to the development of an individual written rehabilitation plan. The results of the prevocational assessment will be incorporated into a plan of training as part of the individual written rehabilitation plan)~~) 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) (~~(The prevocational assessment may include any combination of the following skill areas. Training in these skills will be provided according to the plan developed with each individual client:)~~) 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) (~~(Degree and)~~) Ability to benefit from rehabilitation technology; and

(h) Use of residual vision.

WAC 67-25-260 (~~(Vocational rehabilitation program Individual)~~) Individualized written rehabilitation program. (~~(The individualized written rehabilitation program shall place primary emphasis on the determination and achievement of a vocational goal, and as appropriate, shall include, but shall not necessarily be limited to statements concerning the following:~~

(1) The basis on which the determination of eligibility has been made;

(2) The long range employment goals established with the individual and the intermediate rehabilitation objectives related to the attainment of such goals;

(3) The determination of the specific vocational rehabilitation services to be provided in order to achieve established employment goals and the terms and conditions for the provision of such services;

(4) The projected rate for the initiation of each vocational rehabilitation service, the anticipated duration of each such service and the time within which the objectives and goals for each individual might be achieved;

(5) The terms and conditions for the provision of vocational rehabilitation services including responsibilities of the handicapped individual in implementing the individualized written rehabilitation program;

~~(a) Extent of client participation in the cost of services based on the financial need of the client; and~~

~~(b) Extent to which the individual is eligible for similar benefits under any other programs.~~

~~(6) An assurance that the handicapped individual has been informed of his/her rights and the means by which he/she may express and seek remedy for his/her dissatisfactions, including the opportunity for an administrative review of action or fair hearings; judicial review; and review of the director's decision by the secretary of the federal office of education;~~

~~(7) The basis on which the individual has been determined to be rehabilitated; and~~

~~(8) Any plans for the provision of post-employment services after a suitable employment objective has been achieved and the basis on which such plans are developed.~~

~~(9) A copy of the written program, and any amendments thereto shall be provided to the handicapped individual, or, as appropriate, his/her parents, guardian or other representative.)~~

(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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-270 (~~Vocational~~) Individualized written rehabilitation program--Participation of (~~client~~) the individual.

(1) The individualized written rehabilitation program shall be (~~developed~~) jointly developed, agreed upon, and signed by the vocational rehabilitation counselor or (~~rehabilitation teacher~~) other appropriate staff member and the (~~handicapped individual~~) participant, or (~~r~~) as appropriate, (~~his/her parent, guardian or other representative, and a copy of the written program, and any amendments thereto, shall be provided to the handicapped individual or, as appropriate, his/her parent, guardian or other~~) 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-275 (~~Vocational~~) Individualized written rehabilitation program--Annual review.

(1) The individualized written rehabilitation program shall be reviewed as (~~often as~~) necessary but at least (~~on an annual basis at which time each handicapped individual, or, as appropriate, his/her parent, guardian or other representative will be afforded~~) annually. The participant, or if appropriate, the individual's representative, shall be given an opportunity to review (~~such~~) the program and (~~r if necessary,~~) 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-280 ((Vocational)) Individualized written rehabilitation program--Termination due to ineligibility. ((When the services are terminated under a written program on the basis of a determination that a vocational goal cannot be achieved and the client is then no longer eligible, the following conditions and procedures will be made and carried out:

(1) Such decision shall be made only with full participation of such individuals or as appropriate, his/her parent, guardian, or other representative.

(2) The views of the individual or his/her representative concerning the decision shall be recorded in the individualized written program.

(3) The rationale for such decision must be thoroughly documented and included as a part or amendment to the written rehabilitation program.

(4) The client will be informed that his/her case will be reviewed within twelve months, offering the individual clear opportunity for full consultation and reconsideration of such decision of ineligibility. Subsequent reviews may be made only upon his/her request.

(5) If through physical restoration an individual's vision is restored so as to allow that individual to perform ordinary activities, further services will be limited to those included at the time in the client's individual written rehabilitation program.

(6) Consultation or annual review would not be scheduled if:

(a) There is a recorded statement by the individual indicating that he/she does not want to have further consideration;

(b) Individual is uncooperative and shows lack of interest;

(c) Individual is no longer in the state;

(d) Individual's whereabouts are unknown;

(e) Individual's medical condition is rapidly progressive or terminal;

(f) There are other compelling reasons that would make an annual review impractical.)) (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.

#### NEW SECTION

**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.

#### NEW SECTION

**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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-300** (~~Objective~~) Purpose of vocational rehabilitation. The (~~objective~~) purpose of vocational rehabilitation (~~services~~) is to enable an eligible individual to enter or retain full-time or, if appropriate, part-time competitive employment (~~consistent with his/her capacities and abilities~~) in the (~~competitive~~) integrated labor market, (~~the practice of a profession, self employment, homemaking, farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; homebound employment; or other gainful work. Vocational rehabilitation services will be limited to those necessary to fit the client for his/her vocational objective not only for the moment, but have suitable continuing employment in varying economic conditions. However, if a handicapped individual wishes to change occupations or to progress beyond industry accepted norms for competent entry level employment, the department has no obligation to provide further assistance~~) supported employment, or other employment consistent with the individual's abilities, capabilities, and interests.

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

**WAC 67-25-325** Services available from other agencies. (~~The department's~~) Vocational rehabilitation funds shall not be expended to purchase services for (~~which a client is eligible~~) a participant when another agency has primary responsibility for providing the needed service.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

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

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-350 Vocational rehabilitation--Services provided.**  
Each ((client accepted for services may be provided such)) eligible participant shall be provided vocational rehabilitation services ((found by the diagnostic study to be necessary for the realization of his/her rehabilitation objective including but not limited to)), identified during the preliminary and comprehensive assessments, necessary for the individual to achieve an appropriate employment outcome. Services may include:

(1) ((Evaluation of)) Assessment to determine vocational rehabilitation ((potential)) 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;

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

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

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

((7)) (8) Services to ((members of a handicapped individual's)) family ((when such services are necessary to the adjustment of rehabilitation of the handicapped individual)) members in accordance with WAC 67-25-408;

((8)) (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 ((, note taking, rehabilitation teaching services, and orientation and mobility services for the blind)) in accordance with WAC 67-25-408;

((9) Interpreter services for the deaf and note-taking services for the blind;

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

- (11) Assess. nt and training in adaptive skills of blindness in accordance with WAC 67-25-257 and 67-25-398;
- (12) Recruitment and training services to ((provide)) develop new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other ((appropriate)) public service employment in accordance with WAC 67-25-440;
- ~~((12) Placement in suitable employment;~~
- ~~(13) Post-employment services, necessary to assist handicapped individuals to maintain suitable employment;~~
- ~~(14) Occupational licenses, tools, equipment, initial stocks (including livestock), and supplies; and~~
- ~~(15) Other goods and services which can reasonable [reasonably] be expected to benefit a handicapped individual in terms of employability.)~~ (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.

AMENDATORY SECTION (Amending Order 85-10, filed 8/30/85)

WAC 67-25-360 Vocational rehabilitation services--((Similar)) Comparable services and benefits. (1) ((In as much as full)) Consideration of ((similar)) comparable services and benefits is required by ((federal regulations)) Section 101 (a) (8) of the act. Therefore, this section prevails over all other sections describing ((the)) conditions under which vocational rehabilitation services ((will)) shall be provided. ((Similar benefits include all sources of public funds and private insurance benefits for which the client may be eligible.))

(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 ((full)) consideration of ((similar)) comparable services and benefits:

(a) ((Evaluation of rehabilitation potential)) Assessment;

(b) Counseling and guidance;

(c) ((Guidance;

(d)) Referral;

((e) Placement;

(f) Vocational and other training services not provided in an institution of higher education.

(3) Training in institutions of higher education may be provided only after the client produces proof of application for and denial of eligibility for federal grant programs. Institutions of higher education include universities, colleges, community/junior colleges, vocational schools, technical institutes, or hospital schools of nursing.

(4)) (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 ((giving full)) consideration ((to similar)) 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 ((the)) individuals who are deaf and tactile interpreting services for individuals who are deaf-blind;

((d)) (f) Reader services ((for the blind));

((e) Recruitment and training services in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other public services employment;

(f) Rehabilitation teaching services;

~~(g) Orientation and mobility services for the blind;~~) (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;  
~~((i) Transportation;~~  
~~(j) Telecommunications, sensory, and other technological aids and devices.~~  
~~(5) Clients are required to apply for and accept similar benefits to which they are entitled before rehabilitation funds may be expended for services.~~  
~~(6) The vocational rehabilitation counselors and rehabilitation teachers have an obligation to inform clients of known sources of similar benefits and to assist in application for such services when necessary.~~  
~~(7) Exception to policy in two areas of service:~~  
~~(a) Physical and mental restoration; and~~  
~~(b) Maintenance may be made with supervisory approval when it has been determined that the lack of such services will delay completion of the client's rehabilitation program.)~~ (l) Transition services;  
(m) Other goods and services not specified in this section.  
(8) ((The)) Consideration of ((similar)) comparable services and benefits ((will)) shall be documented in the ((client's case)) participant's record of services. ((The)) Documentation ((will)) shall include sources of assistance considered, whether the ((client)) participant applied, acceptable reasons for failure to apply, outcome of application, and basis for the decision to expend vocational rehabilitation ((funding)) funds for services described in subsection((s-(3) and (4))) (7) of this section.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-380 Vocational rehabilitation services--Counseling and guidance.** (1) Counseling and guidance is a necessary ((and key function)) component of ((the)) vocational rehabilitation ((counselors and rehabilitation teachers in facilitating the development of the individual being served)) to help each participant develop work skills, a strong self-image, and the adaptive skills of blindness needed to achieve an employment outcome.

~~((1))~~ (2) Counseling and guidance services ((will be provided by the department as necessary to:

~~(a) Assist the individual to understand his/her capacities, aptitudes and interests;~~

~~(b) Assist the individual to understand his/her limitations and the health problems, personal problems and social problems which may be encountered during the course of and after completion of the rehabilitation process.~~

~~(c) Assist the client to select a suitable and realistic vocational goal.~~

~~(d) Assist the individual to understand the services available to him/her from the department and other community resources and to understand how such resources can best be obtained and utilized in his/her rehabilitation process.~~

~~(e) Assist the individual to adjust to situations encountered during the rehabilitation process. This may include but not be limited to control of anxieties concerning physical restoration, development of appropriate study and work habits, improvements in physical appearance, management of finances, preparation for job interviews and tests, and the establishment and maintenance of effective interpersonal relationships.~~

~~(f) Family members, relatives and friends of the individual to aid and assist in the rehabilitation process.~~

~~(g) Prospective employers to determine whether the individual has chosen a feasible and appropriate vocational goal.~~

~~(2) Counseling and guidance is an ongoing process and will continue, as necessary, throughout all stages of the client's rehabilitation process regardless of the type of services needed, locations of service providers, and length of time needed to complete the rehabilitation.~~

~~(3) Counseling and guidance will continue even though the client may be a student in the department's rehabilitation center.~~

~~(4) Counseling and guidance will be provided without regard to economic need), 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.~~

**WAC 67-25-384 Vocational rehabilitation services--Physical and mental restoration services.** (1) Physical and mental restoration services (~~(will)~~) shall be provided to (~~(or arranged for)~~) a (~~(client)~~) participant under an individualized written rehabilitation program when (~~(, in the judgment of)~~) the vocational rehabilitation counselor (~~(and/)~~) or rehabilitation teacher, in consultation with the medical or ophthalmological consultant as appropriate, (~~(it can be determined that:~~

~~(a) The clinical status of the client is stable or slowly progressive, as evidenced in the diagnostic study; and~~

~~(b) Such services may be expected to eliminate or substantially reduce the handicapping condition in terms of employability within a reasonable period of time; or~~

~~(c) When such services will maintain or improve functional capabilities consistent with a client's vocational rehabilitation.~~

~~(2) Diagnostic and treatment services for clients with any diseases of the eye will be provided by or under the direction of a qualified ophthalmologist to assure that there is no eye disease or other eye condition which needs consideration.~~

~~(3))~~ 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 (~~(may)~~) shall be provided by qualified physicians, dentists, (~~(and)~~) or other (~~(health-related)~~) health professionals (~~(who are)~~) licensed in the state.

~~((4) The client has the option,)~~ (3) When receiving physical and mental restoration services, (~~(to)~~) the participant may choose the physician or other ((health-related)) health professional and ((the)) appropriate facilities from ((among)) those licensed in the state. ((These)) Service providers and ((the)) 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.

~~((5) For clients in extended evaluation, restorative))~~ (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.

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

WAC 67-25-388 Vocational rehabilitation services--  
(~~(Vocational and other)~~) General training provisions. (1) The  
(~~department may provide, within budget constraints,~~)  
individualized written rehabilitation program may include any  
organized form of instruction (~~(which provides)~~) providing the  
knowledge(~~(s)~~) and skills (~~(that are essential for performing the~~  
tasks involved in an occupation) necessary for a participant to  
perform competitively in an occupation and achieve an employment  
outcome. (~~(Such)~~) Knowledge(~~(s)~~) 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 (~~(provided)~~) prohibited in  
subsection (~~(5)~~) (2) of this section.

(2) (~~The department will operate and maintain an orientation~~  
and training center for prevocational training for those clients  
for whom such training in the training center is determined to be  
appropriate.

(3) Training or training services in institutions of higher  
education (universities, colleges, community/junior colleges,  
vocational schools, technical institutes, or hospital schools of  
nursing) shall not be paid for with rehabilitation funds unless a  
client can demonstrate application for, and denial of, federal or  
state grant assistance.

(4) The department may provide, assist in providing, or cause  
to be provided books, tools and other training materials agreed  
upon in joint planning of the individualized written rehabilitation  
program between the counselor and the client. The amount of  
assistance provided on a quarterly or semester basis for students  
carrying a full academic load will be established by the director  
of the department, provided that exceptions can be made on a case-  
by case basis. Students attending less than full time will have  
amount reduced proportionately.

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

(6) Clients may attend private institutions or out-of-state  
institutions of higher learning in pursuit of a vocational goal;  
however, the financial assistance available to any such individual  
is limited by that amount charged at the University of Washington  
or the actual cost, whichever is less.

~~(7) The department may provide, assist in providing, or cause to be provided financial assistance to clients in pursuit of post-graduate degrees when such degree is clearly necessary to achieve employment in a given field. However, financial assistance will not be provided to clients pursuing graduate programs only to enhance their employability or to achieve upward mobility.~~

~~(8) Training will be provided to the extent that it meets the criteria established by the client and the department in the client's individualized written rehabilitation program and meets the standards of the occupation the client intends to enter.) (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.~~

AMENDATORY SECTION (Amending Order 84-04, filed 9/6/84)

**WAC 67-25-390 Vocational rehabilitation services--Training--((College)) Institutions of higher education.** ~~((1) College training may be provided when~~

~~(a) The nature of the client's disability is such as to require college training to place him/her on a reasonably competitive basis in a suitable occupation.~~

~~(b) The client's previous school record or other indications of achievement demonstrate an ability to successfully carry on and benefit from college training.~~

~~(c) Evaluation of the client's motivation, study habits, personality and character traits, or other relevant factors, indicates that it would be appropriate to provide him/her with college training even though he/she has otherwise failed to meet minimal intellectual or academic achievement standards.~~

~~(2) A client provided with college training services shall be required to meet established scholastic standards. If his/her grades fall below the standards required in the field of his/her choice, it may be necessary to select a new objective for college training through joint planning between the client and the vocational rehabilitation counselor or to modify or cancel that portion of the rehabilitation plan which involves college training. If college training is cancelled, the vocational rehabilitation counselor shall then counsel with the client about a vocational objective which does not require college training.) (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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-394 Vocational rehabilitation services**  
~~((provided))~~ ~~--Training--~~ ~~((Employment))~~ On-the-job. (1)  
~~((Employment))~~ On-the-job training (OJT) services may be provided ~~((to a client))~~ when necessary to ~~((attainment of the client's~~ vocational goal. ~~"Employment training services" shall mean))~~ achieve the participant's employment objective.

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

~~((2) Employment training))~~ (3) OJT services shall be provided to ~~((an individual client))~~ a participant only when the vocational rehabilitation counselor ~~((has established))~~ establishes that the following conditions have been or ~~((will))~~ shall be met:

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

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

(c) A mutual understanding has been reached between the trainee--~~((client))~~ participant, the trainer--employment training ~~((facility))~~ provider, and the vocational rehabilitation counselor ~~((as to the provisions of the client's))~~ regarding the participant's employment training plan ~~((7))~~ including: Length of the training period ~~((7))~~; financial arrangements ~~((7))~~; and operations and skills to be learned;

(d) The employer ~~((will provide careful supervision of the client's))~~ agrees to closely supervise the participant's work and ~~((will))~~ shall submit regular reports on the ~~((client's attendance and))~~ participant's progress and performance to the vocational rehabilitation counselor;

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

(f) ~~((It has been ascertained that))~~ The employment training program for the participant is acceptable to other employees of the training ((facility)) 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.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 67-25-105 Extended evaluation--Revision of program.
- WAC 67-25-120 Certification of termination of extended evaluation and notice.
- WAC 67-25-281 Vocational rehabilitation program--  
Notification of rights.
- WAC 67-25-385 Vocational rehabilitation services--Physical and mental restoration.
- WAC 67-25-392 Vocational rehabilitation services provided--  
Training--Trade schools.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-396 Vocational rehabilitation services--Training--  
((Sheltered workshop)) Vocational adjustment. ((1) The department may provide work adjustment services (employability training) to clients in a sheltered workshop environment. Work adjustment is appropriate where the client's disability is such as to limit his/her ability to participate in and take advantage of employment training facilities in the competitive labor market, and shall follow a vocational evaluation which will at the least include a measurement of productivity, behavior in interpersonal situations, work characteristics, and manipulative skills.

(2) The purpose of work adjustment services in sheltered workshops shall be to:

(a) Assist clients in understanding the meaning, value, and demands of work;

(b) Modify or develop attitudes, personal characteristics, and work behaviors;

(c) To develop functional capacities as required in order to assist clients toward their optimum level of vocational adjustment.

(3) Vocational adjustment in a sheltered workshop shall meet the following criteria:

(a) There shall be an individualized written program establishing immediate and long range goals and objectives developed and monitored by a qualified staff person.

(b) The program will be in direct response to those problems defined in the evaluation process.

(c) Methods used to correct client problems and to develop acceptable work behaviors will be defined in writing and monitored and reported on at least monthly.

(d) All programs will be developed with the full knowledge and agreement of the vocational rehabilitation counselor or rehabilitation teacher and the client.

(e) Work adjustment services will always aim toward the eventual placement of the client into competitive employment.

(f) After September 30, 1984, work adjustment services will be undertaken only in state certificated rehabilitation facilities.)

(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.

#### NEW SECTION

**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.

NEW SECTION

**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.

AMENDATORY SECTION (Amending Order 88-1, filed 4/11/88)

**WAC 67-25-400 Vocational rehabilitation services--Maintenance.** (1) Maintenance (~~(services include the client's basic)~~) for living expenses (, such as food, housing, clothing and health care needs, and other subsistence expenses which are essential to enable him/her to receive full benefit from other vocational rehabilitation services) 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 ((services may)) shall be provided ((to the extent necessary to enable a client to derive the full benefit of other vocational rehabilitation services.

(3) Maintenance may be provided at any time during the rehabilitation process, or following placement, until such time as the client has actually received remuneration for his employment, for a period not to exceed sixty days)) only after consideration of comparable services and benefits in accordance with WAC 67-25-360.

AMENDATORY SECTION (Amending Order 88-1, filed 4/11/88)

**WAC 67-25-404 Vocational rehabilitation services--Transportation.** (1) ((The department will provide or cause to be provided, within budget constraints, necessary)) Transportation services may be authorized for travel and related expenses ((required to transport clients, thereby enabling them to receive services)) necessary for ((the achievement of)) a participant to receive any vocational rehabilitation ((objectives)) 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) ((Attendants or escorts for clients and the attendants' or escorts' travel costs.)) Wages, travel, and related expenses for an attendant or aide if the services of that person are necessary for the participant to travel;

(d) ((Reimbursement for)) Relocation and moving expenses ((when a satisfactory adjustment to a job has been made and job security has been established)), 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-408 Vocational rehabilitation services--Services to family members.** (1) ((Services to family members may be provided to assist a client in successful completion of his/her extended evaluation program or vocational rehabilitation program and subsequent vocational adjustment.)) 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) ((The)) Services provided to family members may include any ((of the)) vocational rehabilitation services available to ((clients of the department)) 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 ((client)) participant. Family members of any age may be served. ((Services provided to family members must be documented and justified in ways consistent with department vocational rehabilitation case documentation procedures and vocational rehabilitation policies.

(3) Other resources and similar benefits available to the family member(s) who may be served under this section must be considered under the same rules and conditions as those of the client.

(4) When the service provided to a family member(s) no longer substantially contributes to a client's vocational rehabilitation program or extended evaluation program, it will be terminated.)

(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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-412 Vocational rehabilitation services--Interpreter services for individuals who are deaf ((persons)). ((The department will provide interpreter services for deaf persons needing this service in all stages of involvement with the department while a client or applicant, or during appeal of a contested decision by an employee of the department which directly affects the client or applicant.)) (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.

**WAC 67-25-416 Vocational rehabilitation services--Reader services.** (1) ~~((The department will provide or cause to be provided reader services to those clients))~~ Reader services may be provided when necessary to complete an intermediate objective under an individualized written rehabilitation program ((who are engaging in vocational training in institutions of higher learning, business schools, technical or trade schools, and other types of training where significant amounts of reading are essential to the completion of the course and/or the advancement of the client's vocational objective. Reader services may also be provided for clients entering employment where substantial amounts of reading are necessary, but only as it relates to the initial stages of their employment)) or, during assessment if necessary to the provision of other rehabilitation services.

(2) ~~Reader services consist of ((oral))~~ orally reading ((to the blind individual of)) ink-print material to the blind participant which is not available ((through any of the usual, special, nonvisual methods of reading used by blind persons.

(3) ~~Reader services may be provided, despite the availability of alternatives to ink print, when the client's skills in using nonvisual methods are not sufficient to fulfill the blind client's immediate rehabilitation needs, progress, or initial adjustment in employment.~~

(4) ~~The employment and rates of payment will be governed by the department's procedures for purchase of reader services. Ordinarily, readers will be paid no more than the national minimum wage; however, exceptions may be made under the department's procedures governing reader services.~~

(5) ~~The department's vocational rehabilitation program will encourage clients to make the most efficient use of readers; both as a sound economic practice and for the purpose of having clients learn to make effective use of readers in future employment and/or training settings))~~ 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.

NEW SECTION

**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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-432 Vocational rehabilitation services--  
Rehabilitation technology and--Telecommunications. ((1) The provision of telecommunications, sensory or other technological aids and devices, individualized prescriptions and fittings must be performed by individuals licensed to fill such prescriptions and licensed to perform such fittings in accordance with state licensure laws, or be appropriately certified professionals. Aids and devices not requiring individual fittings must meet engineering and safety standards recognized by experts in the field.

~~(2) Telecommunications may be utilized when service delivery methods can be improved by the use of these devices. Cost benefit will be considered in the development of telecommunication services.)~~

(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.

## NEW SECTION

**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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-440 Vocational rehabilitation services--Placement.**

~~(1) ((The department may provide or cause to be provided placement services to clients)) Placement services shall be provided to a participant under an individualized written rehabilitation program ((. The department and clients will be mutually responsible in the endeavor to find and secure suitable employment. While the department will meet its responsibilities stated in this section, clients will be held responsible under their individualized written rehabilitation programs for actively and independently applying themselves in job seeking efforts and self placement.~~

~~(2) Placement services prepare a client for work and assist him/her in obtaining appropriate employment and may include the following range of activities:~~

~~(a) Organized and identifiable attempts to establish or improve the linkage of a client and a work situation.~~

~~(b) Sustained collaboration with the client in a variety of work oriented activities culminating in the client's engagement in a job, including self employment.~~

~~(c) Communicating and negotiating with a variety of employment resources in the community and other community resources regarding the employment of blind persons. This may or may not be on behalf of specific clients.~~

~~(d) Assisting the client in stabilizing himself/herself in a work setting to the point that the placement goal has been satisfactorily achieved.~~

~~(3)) 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 s ill 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 ((as follows)) using the following methods:

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

(b) ((A job training and placement counselor whose principle function will be to communicate and negotiate with a variety of community resources, especially employers, regarding the employment of blind persons will provide placement services. This function may or may not be on behalf of specific clients.)) 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) ((Existing, noncost)) 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) ((In certain situations,)) Placement services may be purchased when it is in the ((client's)) participant's vocational interests, when the department's services are not otherwise available, or ((are)) when placement is offered by a vendor as part of a (("package" involving placement as a service. The specific conditions under which placement services may be purchased are addressed in the department's procedures governing such purchase)) service package.

((+4)) (5) Placement services ((will)) shall be terminated when the ((client)) participant has been provided vocational rehabilitation services, in accordance with an individualized written rehabilitation program, ((and been determined to have maintained a suitable employment goal)) which have enabled the individual to obtain and retain employment consistent with his or her capacities and abilities for at least sixty days.

((-5) Suitable placement refers to a determination that the provision of vocational rehabilitation services has enabled a client to enter or retain employment consistent with client's capacities and abilities.)

(6) ((Clients placed by the department)) If a participant is placed in extended employment ((in rehabilitation facilities will have their statuses)) (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 ((will)) shall make maximum efforts to place these individuals in competitive employment ((or)), including supported employment, or in training for competitive employment ((whenever feasible)) consistent with the informed choice of the individual or the individual's representative if appropriate.

(7) Placement services ((will)) shall be provided without consideration of ((similar benefits except when the purchase of placement services is contemplated)) comparable services and benefits in accordance with WAC 67-25-360.

**WAC 67-25-444 Vocational rehabilitation services--Post-employment services.** (~~(1) The department may provide such follow-up services to clients after placement as are necessary to insure that the placement is suitable and that the vocational rehabilitation of the individual has been achieved.~~

~~(2) The department may provide post employment services to a client whose case has previously been terminated as "rehabilitated" when such services are necessary to overcome emergent or latent problems related to the original disability or handicap for which he/she was receiving services prior to termination.~~

~~(3) All follow up and post employment services provided will have the same requirements to meet the economic needs test as those services that require the needs test for a regular program of 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.

AMENDATORY SECTION (Amending WSR 92-09-090, filed 4/17/92, effective 5/18/92)

**WAC 67-25-446 Vocational rehabilitation--Services to groups.** (~~The department may provide for facilities and services that may be expected to contribute substantially to the rehabilitation of a group of individuals with handicaps but that are not related to the individualized written rehabilitation program of any one individual with handicaps.)~~ (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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

WAC 67-25-448 Vocational rehabilitation services-- Occupational licenses, tools, equipment, initial stocks and supplies. (1) ~~((The department may provide or cause to be provided, within budget constraints, initial stocks and supplies as required in the client's individualized written rehabilitation program.~~

~~((a))~~ 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 ~~((will))~~ include any license, permit, or other written authority required by a state, city, or other government unit ~~((to be obtained in order))~~ for the individual to enter an occupation or ~~((enter a small))~~ business.

~~((b))~~ (3) Occupational tools ~~((will))~~ 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~~((, and))~~. These may ~~((also))~~ include specialized tools adapted to ~~((use for blind persons or any accompanying disabling condition the client may have. Any tools provided must be directly applicable and significantly useful in the employment or training of the client))~~ accommodate the individual's disability.

~~((c))~~ (4) Occupational equipment ~~((will))~~ includes occupational fixtures normally found in places of business. These ~~((may consist of apparatuses,))~~ include machinery, and appliances that are usually ~~((of a))~~ stationary ~~((nature))~~ during ~~((the time of))~~ utilization ~~((in a particular business trade or profession))~~. However, self-powered vehicles may also be provided ~~((under this section))~~.

~~((d))~~ (5) Initial stocks ~~((will))~~ include the initial inventory of merchandise or goods necessary for a ~~((client entering))~~ 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.

~~((e))~~ (6) Initial supplies ~~((will))~~ include expendable items necessary ~~((to enable the client))~~ for the participant to carry out

~~((the)) day-to-day, business operations, and which are consumed on the premises in the course of the ((client's)) participant's self-employment business.~~

~~((2) Occupational tools and equipment will be provided only when provision of such items becomes central to the effective training of a client for a specific occupation or trade and/or effective placement in and employment, self-employment, or post-employment setting where the items will be used.~~

~~(3) Initial stocks and supplies will be provided only when a client enters a self-employment business.~~

~~(4) The specific kinds of items and the particular methods by which they may be provided under this section are addressed in detail in the department's procedures governing their provision.~~

~~(5) The matters of) (7) Purchase, accountability, legal title, insurance, maintenance, and ((similar)) other considerations ((with regard to occupational tools, equipment, initial stocks and supplies)) regarding provision of goods and services described in this section are addressed in ((detail in)) the department's procedures governing their provision.~~

~~((6) In the provision of items under this section, thorough consideration will be given to similar benefits and resources available to the client.~~

~~(7) Occupational licenses, tools, equipment, initial stocks, and supplies will be provided based on the clients' economic need.) (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.~~

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-452 Vocational rehabilitation services provided-- Other goods and services.** ~~((1) Such other goods and services may be provided to the client as are essential to a determination of his/her rehabilitation potential, to his/her rehabilitation plan, or to render him/her fit to engage in a gainful occupation.~~

~~(2) The provision of other goods and services shall be conditioned upon the economic need of the client except when provided in connection with diagnostic 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.~~

~~WAC 67-25-540 ((Completion of vocational rehabilitation program-- Individualized written rehabilitation program-- Successful rehabilitation. (Services shall be terminated on the basis of the completion of the client's vocational rehabilitation if:~~

~~(1) The program of rehabilitation services as set forth in the client's rehabilitation plan has, insofar as possible, been completed. Services may be terminated in spite of the failure to comply with this requirement only if the vocational rehabilitation counselor and the client have mutually decided that it is necessary and/or appropriate for the client to accept employment before completing the total plan of services set forth in his rehabilitation program; and~~

~~(2) Substantial rehabilitation services have been rendered to the client by the department. No client shall be terminated as rehabilitated unless the department has provided him/her with the following substantial services:~~

~~(a) Adequate and necessary guidance in developing an understanding of his/her capacities and limitations, his/her vocational potentialities, and the health, personal, and social problems related to his/her vocational adjustment;~~

~~(b) Assistance in understanding the services available from the department and other community resources and in obtaining and utilizing these services to achieve the best possible vocational adjustment;~~

~~(c) Counseling and assistance in adjusting to situations encountered during the rehabilitation process, such as control of anxieties concerning physical restoration, development of appropriate study and work habits, improving personal appearance, managing finances, and devising effective interpersonal relationships;~~

~~(d) Completion of alternative skills training.~~

~~(3) The client must have been, as a minimum, determined to have achieved a suitable employment objective which has been maintained for a period of time not less than sixty days. An occupation shall be considered suitable when, after a reasonable period of time has passed since placement, it has been confirmed that the following conditions have, insofar as possible, been met:~~

~~(a) The client and employer are mutually satisfied;~~

~~(b) The client is maintaining adequate interpersonal relationships and acceptable behavior in the employment environment;~~

~~(c) The occupation is consistent with the client's capacities, skills, and abilities;~~

~~(d) The employment and working conditions will not aggravate the client's disability, and his disability in the employment situation will not jeopardize the health or safety of himself/herself or others;~~

~~(e) The wage and working conditions conform to state and federal legal requirements;~~

~~(f) The employment is regular, reasonably permanent, and the client receives a wage commensurate with that paid other workers for similar work.)~~

(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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**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 ~~((whenever any))~~ when a determination is made to terminate services to ((them)) the individual. ~~((Such))~~ The written notice shall specify in detail the reasons for the department's decision to terminate services and shall clearly inform the ((client)) participant of his((/)) or her right to an administrative review, a fair hearing ((on the decision)), and judicial review of the decision. A description of client assistance program services shall also be provided.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-550 Confidential information--((Disclosure)) Protection, use and release.** ~~((1))~~ The term "confidential information" shall mean all information and records as to personal facts regarding any past or present clients of the department, given or made available to the department, its representatives, or its agents in the course of the administration of the vocational rehabilitation program, including, but not limited to, lists of clients' names and addresses, information with respect to clients' financial resources, records of the department's evaluations of factual information regarding a client, and all other information about a client, whether recorded or not recorded.

~~(2) The department shall disclose confidential information, whether directly or indirectly, only under the following circumstances:~~

~~(a) Where necessary to and directly connected with the administration of the vocational rehabilitation program; or~~

~~(b) Where required by order of a court of competent jurisdiction; or~~

~~(c) Where the client has given his/her informed consent in writing to such disclosure; or~~

~~(d) Where necessary for purposes of audit to determine compliance with standards and regulations.~~

~~(3) The department shall refuse to disclose confidential information even when disclosure has been expressly or impliedly~~

requested by the client if the information in question has been provided to the department on the basis that it will not be disclosed to the client. Information so withheld shall be briefly identified and listed, and said list shall be provided to the client or his/her authorized representative. Such confidential information shall be provided to the client only under the following circumstances:

(a) Where the person or agency which provided the information has given the department express written authorization to release the information to the client; or

(b) Where, during the course of a fair hearing, the hearing officer has made a determination that the information in question is relevant and material to the issue under appeal and has ordered that said information be made available to the client.

(4) Confidential information may be disclosed or released to an employer in connection with the placement of a client. The department shall release to an employer only such confidential information regarding a client as is essential to his/her successful placement.

(5) Confidential information may be disclosed or released to welfare agencies or programs from which the client has requested services if:

(a) The client has requested services under circumstances from which his/her consent may be presumed;

(b) The welfare agencies or programs involved have adopted regulations which will assure that the confidential information disclosed will continue to be held confidential; and

(c) The welfare agency or program involved can assure that the confidential information disclosed shall be used only in connection with application for and receipt of services from such agency or program.

(6) Confidential information may be disclosed or released to organizations or individuals engaged in research if:

(a) The research is directly connected with the administration of the vocational rehabilitation program;

(b) The organization or individual has furnished satisfactory assurance that the confidential information will be used only in connection with the research purposes for which it is provided;

(c) The organization or individual furnishes satisfactory assurance that the final product of the research shall not reveal any information that might serve to identify any person about whom information has been obtained from the department without the written consent of the person involved and of the department.

(7) Upon written request, information shall be released to the client, or, as appropriate, his parent, guardian, or other representative in connection with any proceeding or action for benefits or damages, including any proceeding or action against any public agency: Provided,

(a) That only such information as is relevant to the needs of the client shall be released; and

(b) In the case of medical or psychological information, the knowledge of which may be harmful to the client, such information will be released to the parent, guardian, or other representative of the client by the department, or to the client by a physician or by a licensed or certified psychologist.) (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.

AMENDATORY SECTION (Amending WSR 90-11-047, filed 5/11/90, effective 6/11/90)

**WAC 67-25-560 Administrative review.** (1) Any ((client)) participant who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents ((with regard to his/her)) concerning the provision or denial of vocational rehabilitation ((case)) services may ((file a)) request ((with the department for, and shall thereupon receive, an administrative review by the director or his/her designee, or a fair hearing by an administrative law judge)) 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 ((client who)) request((s an)) for administrative review ((shall indicate by signature that he/she has been informed of administrative review and fair hearing rights and procedures, and that, if he/she elects an administrative review, the forty five day time period for scheduling a fair hearing is waived until conclusion of the administrative review process)) 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) ~~((A request for administrative review may be made by the client, a parent or guardian, or by an advocate working in the client's interest and with the client's permission.))~~ 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 ~~((receiving the request.~~

~~(4) All requests for administrative review))~~ 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) ~~((Set forth))~~ Include the address of the ~~((client))~~ participant or ~~((of his/her))~~ individual's representative; ~~((and~~

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

~~(5) A request for an administrative review must be made within sixty days after receiving notice from the department of the decision or action by the department which is the basis for the request for review.~~

~~(6))~~ (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 ((and redetermination)) shall be ((provided by the director's designee, and shall be provided)) conducted within thirty days after ((the)) submission of the request for review.

((7)) (5) Within ((twenty-one)) twenty days after the conclusion of the administrative review the ((designee)) reviewer shall ((certify his/her findings)) make a determination and shall provide to the ((client in writing specifying in reasonable detail the reasons for his/her findings and informing the client of his/her right to request and receive a fair hearing if dissatisfied with those findings)) 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.

AMENDATORY SECTION (Amending WSR 90-11-047, filed 5/11/90, effective 6/11/90)

**WAC 67-25-570 Fair hearing.** (1) Any ~~((client))~~ participant who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents ~~((with regard to his/her))~~ concerning the provision or denial of vocational rehabilitation ((plan)) 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 ~~((client))~~ participant who desires a fair hearing shall request



~~((such))~~ 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 ~~((at)),~~ 521 East Legion Way, Olympia, WA 98504-4093, who ~~((will))~~ shall forward it to the office of administrative hearings within five working days.

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

(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 ~~((will))~~ shall make an initial decision ~~((and forward this initial decision to the client and/or their designated representative and to the director of the department of services for the blind, who will make a final determination))~~ 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.

~~((+5))~~ (6) The director ~~((will))~~ shall notify the ~~((client))~~ participant or the individual's representative in writing within ~~((fifteen))~~ twenty days ~~((of receipt of))~~ after receiving the administrative law judge's ~~((initial))~~ decision that:

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

(b) The ~~((director will notify the client within fifteen days of receipt of the administrative law judge's initial decision that the))~~ director ~~((will))~~ has decided to review the initial decision of the administrative law judge.

~~((+6))~~ (7) If the director fails to ~~((notify the client of his/her intent to review))~~ provide notice in accordance with subsection (6) of this section, the administrative law judge's decision ~~((within fifteen days, the administrative law judge's decision))~~ becomes ~~((the))~~ a final ~~((determination))~~ decision.

~~((+7))~~ If the director decides to review the decision of the administrative law judge, the client, or, if appropriate, the client's parent, legal guardian, or other representative shall be provided the opportunity for submission of additional evidence and information relative to the final determination.

~~((8))~~ The director will make a final determination within thirty days after the date of the decision of written notice of intent to review the administrative law judge's initial decision.

~~((9))~~ The director will base the decision to review the decision of the administrative law judge on) (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(~~(7)~~) or capricious(~~(7)~~ or otherwise unreasonable);

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

(c) The (~~impartial hearing officer~~) administrative law judge has not given adequate (~~and appropriate~~) consideration to: Federal statute and regulations(~~(7)~~); the department state plan(~~(7)~~); the department policies and procedures (~~manual, state agency~~); options in service delivery authorized by federal statute(~~(7)~~); restrictions on service provision specified by federal statute(~~(7)~~); or (~~approved~~), 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.

~~((10))~~ (11) A (~~client~~) participant who is dissatisfied with the final result of the fair hearing (~~process~~) 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.

AMENDATORY SECTION (Amending Order 83-08, filed 12/15/83)

**WAC 67-25-590 Client records.** The department (~~will~~) shall maintain for each (~~applicant for vocational rehabilitation services~~) participant a (~~case~~) record (~~which will~~) of services that includes, to the extent pertinent, the following (~~information~~) documentation:

(1) (~~Documentation as to the preliminary diagnostic study, supporting the determination of eligibility, or the determination that an extended evaluation of rehabilitation potential is necessary to make such determination;~~

~~(2) In the case of individuals who have applied for vocational rehabilitation services and have been determined to be ineligible, documentation as to the preliminary diagnostic study specifying the reasons for such determination;~~

~~(3) Data supporting any determination that the handicapped individual is a severely handicapped individual;~~

~~(4) Documentation as to periodic assessment of the individual during an extended evaluation of rehabilitation potential;~~

~~(5) An individualized written rehabilitation program as developed and any amendments to such program;~~

~~(6) In the event the physical and mental restoration services are provided documentation supporting the determination that the clinical status of the handicapped individual is stable or slowly progressive;~~

~~(7) Documentation supporting any decision to provide services to family members;~~

~~(8) Data relating to the participation by the handicapped individual in the cost of vocational rehabilitation services;~~

~~(9) Data relating to the eligibility of the individual for similar benefits under any other program;~~

~~(10) Documentation that the individual has been advised of the confidentiality of all information pertaining to his case and documentation and other material pertinent to the release of any information concerning the handicapped individual on the basis of the written consent of the handicapped individual;~~

~~(11) Documentation as to the reason and justification for closing the case, including the employment status of the client, and if the individual is determined to be rehabilitated, the basis on which the employment was determined to be suitable;~~

~~(12) Documentation of any plans for the provision of post-employment objective has been achieved, the basis on which such plans were developed, and a description of the services provided and the outcomes achieved;~~

~~(13) Documentation as to any action and decision involving the handicapped individual's request for an administrative review of agency action; fair hearings; and judicial review; and~~

~~(14) In the case of an individual who has been provided vocational rehabilitation services under an individualized written program but who has been determined after the initiation of such services to be no longer capable of achieving a vocational goal, documentation of any reviews of such determination)) 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.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 67-25-420 Vocational rehabilitation services--  
Rehabilitation teaching services.
- WAC 67-25-428 Vocational rehabilitation services--  
Orientation and mobility services.
- WAC 67-25-500 Purchase of services.
- WAC 67-25-505 Purchase of services--Selection criteria--  
Schools.
- WAC 67-25-510 Purchase of services--Selection criteria--  
Employment training facilities.
- WAC 67-25-525 Termination of services for reason of  
ineligibility.
- WAC 67-25-530 Termination of services for reasons other  
than ineligibility.