

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

WASHINGTON STATE COMMISSION FOR THE BLIND

(name of governing body)

(agency name, if applicable)

Resolution No. _____

Administrative Order No. 83-01

(1) Be it resolved by the Commission for the Blind acting at Olympia, Washington (place)

that it does adopt the annexed rules relating to:

EMERGENCY RULES

- New Section WAC 67-40-020⁰²², Prevention--Financial Eligibility
- New Section WAC 67-40-026, Prevention--Medical Eligibility
- New Section WAC 67-40-050, Prevention--Services Provided
- New Section WAC 67-40-060, Services Not Provided
- Amend WAC 67-40-090, Prevention--Appeal and Fair Hearing

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

This action is taken pursuant to Notice No. _____

filed with the code reviser on _____ These rules shall take effect:

- thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).
- at a later date, such date being _____

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, Washington State Commission for the Blind, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is:

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

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of RCW 34.04.026¹ that "every agency shall incorporate the most specific, but in no case omit all, of the following language alternatives when adopting or amending rules" fill in statement (a), (b), or (c) as appropriate:

- (a) This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute.
- (b) This rule is promulgated pursuant to RCW _____ which directs that the _____

(agency)

has authority to implement the provisions of _____

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the Washington State Commission for the Blind (agency)

as authorized in RCW 74-16-450

(4) The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order, after being first recorded in the order register of this governing body, is herewith transmitted to the Code Reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

APPROVED AND ADOPTED February 5, 19 83

FEB 8 1983

By Paul Dzedzic
Paul Dzedzic, Director

Title

CODE REVISER'S OFFICE
WSR 83-05-014

~~EMERGENCY RULES
CHAPTER 67-40 WAC~~

~~PREVENTION OF BLINDNESS
(PROPOSED CHANGES)~~

022 by

NEW SECTION) WAC 67-40-020, PREVENTION--FINANCIAL ELIGIBILITY.

BF

APPLICATION FOR THE PREVENTION OF BLINDNESS PROGRAM IS MADE AT
DEPARTMENT OF SOCIAL AND HEALTH SERVICES COMMUNITY SERVICES
OFFICES.

FINANCIAL ELIGIBILITY MUST BE ESTABLISHED BY THE DEPARTMENT OF
SOCIAL AND HEALTH SERVICES.

~~EMERGENCY RULES~~

~~CHAPTER 67-40-WAC~~

~~PREVENTION OF BLINDNESS~~

~~(PROPOSED CHANGES)~~

026 by

BJ

(NEW SECTION) WAC 67-40-025, PREVENTION--MEDICAL ELIGIBILITY.

- (1) THE EYE PHYSICIANS ADVISORY COMMITTEE RECOMMENDS THE POLICIES AND CRITERIA FOR THE DETERMINATION OF MEDICAL SERVICES TO BE PROVIDED BY THE PREVENTIUN OF BLINDNESS PROGRAM.
- (2) THE COMMISSION'S OPHTHALMOLOGICAL CONSULTANT REVIEWS THE MEDICAL NECESSITY OF CONDITIONS DIAGNOSED BY THE INDIVIDUAL'S OPHTHALMOLOGIST AND MAKES A DECISION REGARDING MEDICAL SERVICES TO BE PROVIDED BASED ON THE CRITERIA RECOMMENDED BY THE EYE PHYSICIANS ADVISORY COMMITTEE.

~~EMERGENCY RULES~~
~~CHAPTER 67-40-WAC~~

~~PREVENTION OF BLINDNESS~~
~~(PROPOSED CHANGES)~~

No underscores

BJ

051 by

(NEW SECTION) WAC 67-40-050, PREVENTION--SERVICES PROVIDED.

SUBJECT TO THE LIMITATIONS IN WAC 67-40-050, THE COMMISSION WILL APPROVE SERVICES WHICH ARE DETERMINED TO BE MEDICALLY NECESSARY AS DEFINED:

(1) MEDICAL NECESSITY APPLIES TO A SERVICE FOR THE TREATMENT OF EYE(S) THAT CAN BE DETERMINED TO PREVENT, DIAGNOSE, CORRECT, CURE, ALLEVIATE, OR PREVENT THE WORSENING OF CONDITIONS THAT ENDANGER LIFE, CAUSE SUFFERING OR PAIN, OR RESULT IN BLINDNESS OR LOSS OF VISION, OR THREATEN TO CAUSE A VISUAL LOSS, OR CAUSE PHYSICAL MALFUNCTION, AND THERE IS NO OTHER EQUALLY EFFECTIVE, MORE CONSERVATIVE OR SUBSTANTIALLY LESS COSTLY COURSE OF TREATMENT AVAILABLE OR SUITABLE. FOR PURPOSES OF THIS SECTION, "COURSE OF TREATMENT" MAY INCLUDE MERE OBSERVATION OR, WHERE APPROPRIATE, NO TREATMENT AT ALL.

(2) A MEDICAL SOCIAL WORK CONSULTANT COORDINATES THE PROVISIONS OF SERVICES BY OPHTHALMOLOGISTS THROUGHOUT THE STATE AND WORKS IN COOPERATION WITH STAFF OF THE DSHS COMMUNITY SERVICES OFFICES AND DIVISION OF MEDICAL ASSISTANCE, AS WELL AS VOCATIONAL REHABILITATION COUNSELORS TO IMPLEMENT PLANS FOR EYE CARE.

~~EMERGENCY RULES~~
~~CHAPTER 67-40-WAS~~

~~PREVENTION OF BLINDNESS~~
~~(PROPOSED CHANGES)~~

No underscores

BJ

~~(NEW SECTION) WAC 67-40-060, SERVICES NOT PROVIDED.~~

A REQUEST FOR MEDICAL SERVICES MAY BE DENIED IF THE REQUESTED SERVICE IS GENERALLY REGARDED BY THE MEDICAL PROFESSION AS EXPERIMENTAL IN NATURE OR AS UNACCEPTABLE TREATMENT UNLESS THE REQUESTED SERVICE CAN BE DEMONSTRATED TO BE OTHERWISE MEDICALLY NECESSARY.

CERTAIN EYE CONDITIONS WHICH ARE DEGENERATIVE AND UNLIKELY TO RESPOND TO TREATMENT AND CERTAIN CONDITIONS PERTAINING TO TEAR DUCTS OR EYELIDS RATHER THAN THE EYE ITSELF SHALL BE EXCLUDED, SPECIFICALLY:

- (1) ROUTINE EYE EXAMINATIONS FOR CLIENTS NOT SPECIFICALLY REFERRED FOR DIAGNOSIS OF A SUSPECTED VISION PROBLEM;
- (2) GLASSES AND CONTACT LENSES, EXCEPT FOLLOWING CATARACT SURGERY OR WHEN MEDICALLY NECESSARY FOR TREATMENT OF AN EYE CONDITION SUCH AS STRABISMUS OR KERATOCONUS;
- (3) BLEPHARITIS;
- (4) CHALAZION;
- (5) CONJUNCTIVITIS;

- 69
- (6) MACULAR DEGENERATION, EXCEPT SUBRETINAL NEOVASCULARIZATION;
 - (7) ORTHOPTICS (MUSCLE TRAINING);
 - (8) COSMETIC PLASTIC SURGERY;
 - (9) TUMORS OUTSIDE THE EYE UNLESS SUSPECTED MALIGNANCY THREATENS EYE FUNCTION;
 - (10) STRABISMUS SURGERY FOR ADULTS UNLESS DIPLOPIA IS PRESENT;
 - (11) CATARACT SURGERY WHEN VISION IS BETTER THAN 20/70 IN THE BETTER EYE WITH CORRECTION (OR BETTER THAN JAEGER 5 WITH A 3.5 ADD), EXCEPT WHEN THE CATARACT IS HYPERMATURE AND COMPLICATIONS ARE PRESENT OR IMMINENT OR WHEN DOCUMENTED SOCIAL FACTORS ESTABLISH THE NEED TO DRIVE OR READ TO MAINTAIN INDEPENDENCE.

~~EMERGENCY RULES~~
~~CHAPTER 67-40-WAC~~

~~PREVENTION OF BLINDNESS~~
~~(PROPOSED CHANGES)~~

69

Amendatory Section (Amending Order 82-06, filed 8/4/82)

(AMEND) WAC 67-40-090, PREVENTION--APPEAL AND FAIR HEARING.

- (1) ANY INDIVIDUAL DENIED SERVICE MAY REQUEST A HEARING BY WRITING WITHIN ~~((THIRTY))~~ NINETY DAYS OF RECEIPT OF NOTIFICATION TO THE COMMISSION FOR THE BLIND AT 921 LAKERIDGE DRIVE, OLYMPIA, WASHINGTON ~~((98502))~~ 98504 WHICH WILL FORWARD THE REQUEST TO THE OFFICE OF ADMINISTRATIVE HEARINGS.
- (2) THE HEARING SHALL BE HELD IN THE COUNTY IN WHICH THE APPELLANT RESIDES. THE INDIVIDUAL MAY BE REPRESENTED BY LEGAL COUNSEL OR BY ANOTHER PERSON OF HIS/HER CHOICE.
- (3) ~~((THE DIRECTOR SHALL UPON RECOMMENDATION FROM THE ADMINISTRATIVE LAW JUDGE ISSUE A DECISION.))~~ AN ADMINISTRATIVE LAW JUDGE FROM THE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ISSUE AN INITIAL DECISION.
- (4) THE DIRECTOR SHALL ISSUE A FINAL DECISION WITHIN 15 DAYS OF RECEIPT OF THE INITIAL DECISION.
- (5) AN APPELLANT WHO FEELS AGGRIEVED BY THE DECISION OF THE DIRECTOR HAS THE RIGHT TO A JUDICIAL REVIEW AS PROVIDED BY LAW.