

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

Department of Services for the Blind

(agency name)

Administrative Order No. 88-1

(1) I, Paul Dziedzic, director of Department of Services for the Blind

do promulgate and adopt at 3411 South Alaska Street, Seattle, WA 98118-1631 (place)

the annexed rules relating to:

- Amendment of Chapters
67-10 Public Records Disclosure
67-25 Vocational Rehabilitation and Services to Blind People

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

This action is taken pursuant to Notice No. 88-04-016 filed with the code reviser on 1/22/88. These rules shall take effect: [X] thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

I, 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.

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

(3) Pursuant to the requirements of RCW 34.04.026 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

has authority to implement the provisions of (agency) (name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the Department of Services for the Blind (agency)

as authorized in RCW 74.18

(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.

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

APPROVED AND ADOPTED: April 10, 1988

By Paul Dziedzic Director

Title

STATE OF WASHINGTON FILED APR 11 1988 CODE REVISER'S OFFICE WSR 88-09-006

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

## WAC 67-10-020 DESCRIPTION OF ORGANIZATION OF THE DEPARTMENT.

(1) Central organization. The chief executive officer of the department is the director. The director shall be appointed by the governor, with the consent of the senate.

(2) Advisory council. The advisory council consists of at least six members of which a majority shall be blind. The members are appointed by the governor. Terms are for a period of three years. Advisory council members elect one of their members as chair for a term of one year.

(3) ~~((The department has two sections:--Administrative--services and field services which are each headed by an assistant director.~~

~~(4) Field))~~ Organization. (a) The vocational rehabilitation program is operated statewide with ~~((two))~~ one supervisor~~((s))~~. (b) The business enterprise program is operated under one supervisor. (c) The agency operated Orientation and Training Center at 3411 S. Alaska St., Seattle is operated under one supervisor. (d) The state-wide child and family services program is operated under one supervisor. (e) The ~~((medical--assistance))~~ independent living program is operated under one supervisor.

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

WAC 67-10-030 LOCATION OF ESTABLISHED PLACES. Location of established places where information about the department may be obtained and department's public records inspected and copied.

(1) Olympia office. The office of the director and the administrative office of the department is located at ~~((924-Lakeridge-Drive #202))~~ 521 East Legion Way, Olympia, WA 98504.

(2) Seattle office. The main field office ~~((for field services))~~ is located at 3411 South Alaska St., Seattle, WA 98118.

(3) Field offices. (a) General information about the department may also be obtained at its service locations or major field offices at the following places: ~~((924-Lakeridge-Drive))~~ 521 East Legion Way, Olympia, WA 98504; W. 55 Mission, ~~((Rm-445))~~ Suite 3, Spokane, WA 99201; ~~((604--W--Evergreen--P.O.--Box-754))~~ 500 West 8th, Suite 18, Vancouver, WA 98666; ~~((Morris-Bldg--23-5--Wenatchee-Ave--Wenatchee, WA--98801--32--N--3-Str--Rm-346))~~ 1600 West Perry, Bldg. 1 Suite D, Yakima, WA 98901; 1201 South Proctor, Tacoma, WA 98405. (b) Information about ~~((medical--assistance))~~ the independent living program, ~~((business-enterprises-for-the-blind,))~~ and child and family services can be obtained at the Seattle office, 3411 South Alaska St., Seattle, WA 98118.

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

WAC 67-10-040 OPERATIONS AND PROCEDURES. The general course and method of channeling and determining the operations of the ~~((two-sections))~~ department and the nature of requirements of all formal and informal procedures connected therewith are summarized in the following subsections:

(1) Administrative services. This section manages all personnel, training, budget, data processing, and properties management for the department. It prepares budgets and reports, collects funds, certifies and pays invoices. It is responsible for state and federal reports. It provides staff to the advisory council members. Many of the functions of the administrative services section are subject to

Washington Administrative Code provisions as authorized by law to be adopted by other departments and enforced by the department.

(2) Field services. This section provides services to all of the department's clients and keeps records of these services.

(a) Vocational rehabilitation. This unit provides a wide array of services to individuals whose disability causes a substantial handicap to employment where there is a reasonable expectation that services will provide a benefit in terms of employability. The primary source of funds for this program is federal, and it is subject to federal regulation.

(b) Business enterprise program. This program assists in the development and maintenance of vending operations operated by blind individuals in public buildings. It is funded by a combination of state and federal funds and is subject to federal regulations. A restricted fund generated by vending machine revenue also funds business enterprise program activities.

(c) ~~((Medical assistance.--This program provides medical services to restore vision or minimize vision loss through medical treatment. This program serves people who do not meet the eligibility criteria of the medical assistance eye care program operated by the department of social and health services.--Medical eligibility for prescribed services--is--determined--by--the--department.--This--program--is--state funded.))~~ Independent living program. This program provides training, equipment, and goods and services needed by blind persons to achieve or maintain their independence. It is funded by a combination of grant funds from the federal government and from state funds.

(d) Child and family services. This program serves blind children and their families. Caseworkers work directly with children and parents. In addition, school personnel and other service providers are assisted in working with blind children by consultation and training. This program is state funded.

(e) Orientation and training center. This program is operated at 3411 South Alaska St., Seattle, WA 98118. It provides training in alternative skills, personal adjustment, and assessment for full-time blind students. Students live in a privately owned residential facility located nearby.

(f) Other programs. The department may establish such additional programs as the department deems necessary to carry out its legislative purpose.

AMENDATORY SECTION (Amending Order 83-06, filed 12/15/83)

WAC 67-10-060 PUBLIC RECORDS OFFICER. The public records officer for the department shall be the ~~((assistant))~~ deputy director ~~((of administrative--services))~~, as designated by the director, for all records maintained by the department whether located at the central office thereof at Olympia, Washington, or at such other offices throughout the state maintained by the department. The public records officer shall be located at such central office. The public records officer shall be responsible for implementation of this chapter regarding release of public records, coordinating the staff of the department in this regard, generally insuring compliance by the staff with the public records disclosure requirements of RCW 42.17.250 through 42.17.320, and maintaining the records index of the department as required.

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

WAC 67-25-120 CERTIFICATION OF TERMINATION OF EXTENDED EVALUATION AND NOTICE. The certification of termination of extended evaluation and notice is applicable when the following is considered:

(1) Certification of eligibility for regular case services. Prior to, or simultaneously with acceptance of a handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the requirements specified. The certified statement will be dated and signed by the vocational rehabilitation counselor or rehabilitation teacher.

(2) Certification of ineligibility. When it has been determined (~~beyond any reasonable doubt~~) by clear evidence that an individual is ineligible for vocational rehabilitation services, there shall be a certification, dated and signed by the vocational rehabilitation counselor or rehabilitation teacher. Such certification of ineligibility will be made only after full participation with the individual or, as appropriate, his/her parent, guardian or other representative, or after affording a clear opportunity for such consultation.

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

WAC 67-25-400 VOCATIONAL REHABILITATION SERVICES--MAINTENANCE.

(1) Maintenance services include the client's basic 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.

(2) Maintenance services may 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.

~~((4) Maintenance services provided in connection with diagnostic services shall be provided without regard to the economic need of the client. The provision of maintenance services in connection with any other type of service shall be conditioned on the economic need of the client.))~~

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

WAC 67-25-404 VOCATIONAL REHABILITATION SERVICES--TRANSPORTATION. (1) The department will provide or cause to be provided, within budget constraints, necessary travel and related expenses required to transport clients, thereby enabling them to receive services necessary for the achievement of vocational rehabilitation objectives.

(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.

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

~~((3) Transportation, except as provided during diagnostic services, will be provided based on economic need.))~~

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

WAC 67-25-570 FAIR HEARING. (1) Any client dissatisfied with the finding of an administrative review may request from the department, and shall thereupon be granted, a fair hearing. A client who desires a fair hearing shall request such hearing within thirty days after receiving notice from the department of the finding of the administrative review.

(2) A request for fair hearing shall be sent to the Department of Services for the Blind at ((927-Lakeridge-Drive)) 521 East Legion Way, Olympia, WA 98504, who will forward it to the office of administrative hearings.

(3) The administrative law judge will make a proposed decision to the director of the department of services for the blind who will make a final determination.

(4) The client will be notified in writing by the director within fifteen days of receipt of the administrative law judge's proposed decision.

((5)-A-client-not-satisfied-with-the-decision--of--the--director may--request--a--review-of-the-director's-decision-by-the-secretary-of-the-federal-education-department-on-the-individual-written-rehabilitation-program\*))