



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Services for the Blind

- Permanent Rule
- Emergency Rule

(1) Date of adoption: ~~January 27~~ ^{March 3, 1999}

(2) Purpose: Clarify Language

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

- Repealed:
- Amended:
- Suspended:

(4) Authority for adoption:
Statute: Chapter 74.18 RCW
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 99-01-022 on ~~Oct. 22~~ ^{December 7}, 1998 (date).

Describe any changes other than editing from proposed to adopted version: none

(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

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

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

NAME (TYPE OR PRINT)

Patricia Anderson

SIGNATURE

Patricia Anderson

TITLE

Exec Assistant

DATE 3/4/99

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CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

FEB 4 1999

FILE 99-05-005 AM (P)

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-010 Purpose and definition. The authority for independent living services is established in section 18, chapter 194, Laws of 1983. The purpose of this program is to provide independent living services designed to meet the current and future needs of blind/visually impaired individuals who currently are not feasible for vocational rehabilitation and who need services in order to function more independently in their living environment.

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-020 Referral for services. (1) Referrals of ~~((elderly blind individuals, blind individuals with significant other medical problems, and blind multiply handicapped))~~ blind/visually impaired individuals, blind/visually impaired individuals with significant other medical problems, and blind/visually impaired multiply disabled individuals shall be accepted from all sources.

(2) All referrals to the independent living program ~~((shall be made))~~ may be made either through the department of services for the blind or directly to one of the department's independent living contract providers.

(3) Department personnel may refer individuals to the independent living program as a result of reviewing current and past cases which have been found to be ineligible for vocational rehabilitation services.

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-030 Initial interview. (1) ~~((The department shall interview))~~ All new referrals to the independent living program shall be interviewed as soon as possible following referral ~~((s)).~~

(2) At the initial interview the interviewer shall:

(a) Explain to the individual the nature and scope of available services as they relate to the individual's need;

(b) Inform the individual of the right to confidentiality of information possessed by the department;

(c) Obtain any information necessary in determining

eligibility for independent living services.

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

WAC 67-75-040 Eligibility for services--Criteria. (1)

Eligibility requirements are applied without regard to sex, race, creed, color, marital status, sexual orientation, religion, or natural origin of the individual applying for service. No group of individuals is excluded from service solely on the basis of the type of disability or on the basis of age.

(2) No residence requirement is imposed which excludes from services any individual who is present in the state.

(3) Eligibility is based only upon:

(a) The presence of a severe physical or mental disability, which shall include a visual disability defined as follows:

(i) Legal blindness or (~~visually handicapped~~) visual impairment as they are customarily defined either in terms of a qualifying reduction in visual acuity and/or a qualifying reduction in visual field.

(ii) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.

(iii) Reduction in both visual acuity and visual fields is such that the effect is substantially that of legal blindness, or visual efficiency is reduced so as to have substantially the same effect as legal blindness.

(iv) A visual impairment which makes it impossible for the individual to perform successfully in one or more of life's functions;

(b) The presence of a severe limitation in ability to function independently in family or community or to engage or continue in employment; and

(c) A reasonable expectation that independent living rehabilitation services will significantly assist the individual to improve his or her ability to function independently in family or community or to engage or continue employment.

For purposes of determining an individual's eligibility for independent living services, improvement in ability to function independently in family or community refers to a demonstration in functional and behavioral terms of an individual's greater independence or maintenance of independence in such areas as self-care, activities of daily living, (~~driving,~~) using public transportation, shopping, housekeeping, communicating, or living more independently.

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

WAC 67-75-042 Certification for decision of eligibility or ineligibility. (1) There will be a certification that the individual has met the basic eligibility criteria. The statement of eligibility will be dated and signed by the ~~((vocational rehabilitation counselor or rehabilitation teacher))~~ independent living service provider or the department's independent living program staff.

(2) Whenever it has been determined on the basis of clear evidence that an individual is ineligible for independent living services, there shall be a certification, dated and signed by the ~~((vocational rehabilitation counselor or rehabilitation teacher))~~ independent living service provider agency or the department's independent living program. Certifications of ineligibility shall indicate the reasons for the ineligibility determination and shall be made only after full consultation with the individual or, as appropriate, his or her parent, guardian, or other representative, or after giving a clear opportunity for this consultation.

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

WAC 67-75-044 Notice to applicant. (1) The individual shall be notified in writing of the action taken on ~~((eligibility or))~~ a determination of ineligibility.

(2) The individual shall be informed of the department's procedure for administrative review and fair hearings and the services available through the client assistance program if he or she is dissatisfied with the department's decision.

(3) If the applicant was determined to be ineligible for independent living services, the certification shall clearly specify how he or she failed to meet the criteria of eligibility. The individual shall be notified in writing of the determination of ineligibility and of his or her rights and the means by which he or she may express and seek remedy for any dissatisfactions, including the department's procedures for administrative review and fair hearings and the services available through the client assistance program.

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

~~(5))~~ If an applicant was determined ineligible, he or she shall be given a full opportunity to participate in the review and reconsideration of eligibility no later than twelve months after the determination was made. The review need not be conducted in situations where the individual refuses the review, the individual

is no longer present in the state, or the individual's whereabouts is unknown.

AMENDATORY SECTION (Amending Order 83-11, filed 12/15/83)

WAC 67-75-050 Independent living services--Services provided.

Services provided by the independent living program shall include:

~~(1) ((Internal services provided through the rehabilitation teaching staff such as:~~

~~(a)) Intake interview and counseling;~~

~~((b)) (2) Needs assessment;~~

~~((c)) (3) Specific skills teaching;~~

~~((d)) (4) Referral to other resources for blind/visually impaired individuals;~~

~~((2) External services purchased by the department from community based service delivery systems such as:~~

~~(a) Intake interview and counseling;~~

~~(b) Needs assessment;~~

~~(c) Specific skills teaching;~~

~~(d) Medical consultation;~~

~~(e) Occupational therapy/physical therapy;~~

~~(f)) (5) Information and referral;~~

~~((g)) (6) Advocacy in all sectors of society to maximize opportunities for access in social, recreational, medical/health care facilities.~~

AMENDATORY SECTION (Amending Order 83-10, filed 12/15/83)

WAC 67-55-040 Eligibility criteria. (1) To be eligible for child and family services an individual must be between the ages of birth (~~and~~) through six years of age or fourteen through twenty-one years of age.

(2) Any child below the age of twenty-one years who has completed high school or has discontinued his/her formal education shall not be eligible for child and family services. Such children shall be referred for vocational rehabilitation or other appropriate resources.

(3) Eligibility for child and family services shall be dependent on documentation of a visual impairment including one or more of the following conditions:

(a) Legal blindness or visual handicap as they are customarily defined, either in terms of qualifying reduction in visual acuity and/or a qualifying reduction in visual fields.

(b) A visual impairment which is progressive in nature and can be expected to lead to blindness within a reasonable period of time.

(c) Reductions in both visual acuity and visual fields such that the effect is substantially that of legal blindness, or visual efficiency is so reduced as to have substantially the same effect as legal blindness.

(d) A visual impairment which makes it impossible for a child to compete successfully in school and other childhood endeavors.

AMENDATORY SECTION (Amending Order 83-10, filed 12/15/83)

WAC 67-55-060 Termination. A child shall be terminated from child and family services for the following reasons:

(1) The child has completed high school;

(2) The child has withdrawn from school prior to his/her senior year and does not intend to return;

(3) The child has reached the age of twenty-one years, or is between the ages of seven and fourteen years;

(4) The child's vision improves to a degree which no longer meets the criteria for eligibility;

(5) The child moves from the state of Washington; or

(6) The child and/or his/her family requests termination.

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