

Chapter 67-75 WAC

INDEPENDENT LIVING SERVICES

WAC

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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.

[Statutory Authority: Chapter 74.18 RCW, WSR 99-05-005, § 67-75-010, filed 2/4/99, effective 3/7/99. Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-010, filed 12/15/83.]

WAC 67-75-020 Referral for services. (1) Referrals of 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 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.

[Statutory Authority: Chapter 74.18 RCW, WSR 99-05-005, § 67-75-020, filed 2/4/99, effective 3/7/99. Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-020, filed 12/15/83.]

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

(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.

[Statutory Authority: Chapter 74.18 RCW, WSR 99-05-005, § 67-75-030, filed 2/4/99, effective 3/7/99. Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-030, filed 12/15/83.]

(2/4/99)

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 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, using public transportation, shopping, housekeeping, communicating, or living more independently.

[Statutory Authority: Chapter 74.18 RCW, WSR 99-05-005, § 67-75-040, filed 2/4/99, effective 3/7/99; WSR 92-09-090, § 67-75-040, filed 4/17/92, effective 5/18/92. Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-040, filed 12/15/83.]

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 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 independent living service provider agency or the

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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.

[Statutory Authority: Chapter 74.18 RCW. WSR 99-05-005, § 67-75-042, filed 2/4/99, effective 3/7/99; WSR 92-09-090, § 67-75-042, 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 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 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.

[Statutory Authority: Chapter 74.18 RCW. WSR 99-05-005, § 67-75-044, filed 2/4/99, effective 3/7/99; WSR 92-09-090, § 67-75-044, filed 4/17/92, effective 5/18/92.]

WAC 67-75-050 Independent living services—Services provided. Services provided by the independent living program shall include:

- (1) Intake interview and counseling;
- (2) Needs assessment;
- (3) Specific skills teaching;
- (4) Referral to other resources for blind/visually impaired individuals;
- (5) Information and referral;
- (6) Advocacy in all sectors of society to maximize opportunities for access in social, recreational, medical/health care facilities.

[Statutory Authority: Chapter 74.18 RCW. WSR 99-05-005, § 67-75-050, filed 2/4/99, effective 3/7/99. Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-050, filed 12/15/83.]

WAC 67-75-060 Termination of services. Independent living services shall be terminated when a client:

- (1) Has died.
- (2) Cannot be located by the department after reasonable efforts to do so.
- (3) Has been institutionalized under circumstances which preclude the provision of services for a substantial or indefinite period of time.

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(4) Has moved to another jurisdiction and the department has been unable either to continue provision of services or to refer the individual to an appropriate agency within the other jurisdiction.

(5) Removes himself for consideration by declining to accept or utilize independent living services after all reasonable efforts have been expended to encourage participation.

(6) Completes a program of services as planned.

[Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-060, filed 12/15/83.]

WAC 67-75-070 Administrative review. (1) Any client who feels aggrieved by, or is otherwise dissatisfied with, any decision or action by the department or its agents with regard to his or her independent living case 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.

(2) Clients of the department's independent living program will utilize the administrative review policies and time frames of the department's vocational rehabilitation program, covered in VR WAC 67-25-560.

[Statutory Authority: Chapter 74.18 RCW. WSR 92-09-090, § 67-75-070, filed 4/17/92, effective 5/18/92. Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-070, filed 12/15/83.]

WAC 67-75-075 Fair hearing. (1) Any client who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents with regard to his or her independent living plan or is dissatisfied with the results of an administrative review may request from the department, and shall thereupon be granted, a fair hearing.

(2) Clients of the department's independent living program will utilize the administrative review policies and time frames of the department's vocational rehabilitation program, covered in VR WAC 67-25-560.

[Statutory Authority: Chapter 74.18 RCW. WSR 92-09-090, § 67-75-075, filed 4/17/92, effective 5/18/92. Statutory Authority: 1983 c 194 § 18. WSR 84-01-045 (Order 83-11), § 67-75-075, filed 12/15/83.]