

FORM OF ORDER AND TRANSMITTAL BY AGENCY HAVING SINGLE HEAD

State of Washington

DEPARTMENT OF SERVICES FOR THE BLIND

(agency name)

Administrative Order No. 84-02

(1) I, Paul Dziedzic, director of

Department of Services for the Blind

do promulgate and adopt at 921 Lakeridge Drive, Room 202, Olympia, WA 98504 (place)

the annexed rules relating to: NEW CHAPTER WAC 67-45 - Prevention of Blindness Program
Repeal Chapter WAC 67-40 - Prevention of Blindness

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

This action is taken pursuant to Notice No. 84-10-033 filed with the code reviser on May 1, 1984. These rules shall take effect:

- XX 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.

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. A statement of the facts constituting the emergency is:

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

(3) Pursuant to the requirements of RCW 34.04.028 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)

XXX (c) This rule is promulgated under the general rule-making authority of the

Department of Services for the Blind

(agency)

as authorized in RCW Chapter 194, Laws of 1983, Section 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.

(5) This order, after being first recorded in the order register of this agency, is herewith transmitted to the Code

STATE OF WASHINGTON

FILED

APPROVED AND ADOPTED June 27, 19 84

JUN 28 1984

By Paul Dziedzic

Paul Dziedzic

Director

Title

CODE REVISER'S OFFICE

WSR 84-14-034

## Chapter 67-45 WAC

## PREVENTION OF BLINDNESS PROGRAM

NEW SECTION

WAC 67-45-010 PURPOSE AND DEFINITION. (1) The authority for the prevention of blindness program is established in RCW 74.18.250.

(2) The purpose of this program is to provide, to the extent that appropriations are made available, specialized medical eye care to prevent blindness or restore or improve sight to persons who may benefit from such services and who are eligible as defined in WAC 67-45-040.

NEW SECTION

WAC 67-45-020 SERVICES TO BE PROVIDED. (1) The services to be provided to individuals who are found eligible shall be limited to the following: (a) An initial ophthalmological evaluation; (b) surgical procedures which will prevent blindness, restore sight, and improve sight; (c) the provision of medications which will prevent blindness; and (d) follow-up visits as required.

(2) Provision of services in (b), (c), and (d) of subsection (1) of this section will occur only after each individual case has been reviewed by the ophthalmological consultant as defined in WAC 67-25-005(14).

NEW SECTION

WAC 67-45-030 REFERRAL FOR SERVICES. (1) Referrals of individuals who may benefit from the medical eye care services provided in the prevention program shall be accepted from all sources.

(2) All referrals to the prevention of blindness program shall be made through the department of services for the blind.

(3) Department personnel may refer individuals who may benefit from medical eye care to outside resources.

NEW SECTION

WAC 67-45-040 ELIGIBILITY. The prevention of blindness program shall serve those individuals not eligible for services under RCW 74.09.720 and who meet the following criteria.

(1) An eye condition which (a) without medical intervention may lead to blindness, and (b) with medical intervention can be restored to usable sight.

(2) Services will be provided by the department of services for the blind only after full consideration of other public and private medical benefits which may be available to the individual.

(3) An economic need as established through the application of the financial eligibility tables contained in the procedures for prevention of blindness program, department of services for the blind.

NEW SECTION

WAC 67-45-045 ORDER OF SELECTION. Because the appropriations provided for this program for the 1983-85 biennium are not sufficient to cover all eligible costs and persons, the department will give priority consideration in the selection of clients to children, under the age of twenty-one, who meet the eligibility criteria as defined in WAC 67-25-040. This section expires July 1, 1985.

NEW SECTION

WAC 67-45-050 PROVISION OF SERVICES. (1) Services to eligible individuals shall be provided through the purchase of services from physicians and institutions approved by the department of social and health services.

(2) Fees for all services provided through the prevention of blindness program shall be established on the basis of the fee schedule currently in use by the department of social and health services.

NEW SECTION

WAC 67-45-060 TERMINATION OF SERVICES. Prevention of blindness services will be terminated upon the recommendation of the attending physician or the recommendation of the consulting ophthalmologist of the department of services for the blind.

NEW SECTION

WAC 67-45-070 ADMINISTRATIVE REVIEW. (1) Any individual who feels aggrieved by or is otherwise dissatisfied with any decision or action by the department or its agents with a prevention of blindness case may file a request with the department for and shall thereupon receive an administrative review and redetermination of that decision or action.

(2) A request for an administrative review may be made either verbally or in writing and may be filed in any office of the department. A verbal request shall promptly be reduced to writing.

(3) All requests for administrative review 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 the address of the individual or his/her representative; and (d) be signed by the individual or by his/her representative.

(4) A request for an administrative review must be made within sixty days after receiving notice from the department which is the basis for review.

(5) An administrative review and redetermination shall be provided by the director's designee and shall be provided within thirty days after the submission of the request for review.

(6) Within fifteen days after the conclusion of the administrative review the designee shall certify his/her findings to the client in writing specifying in reasonable detail the reasons for his/her findings and informing the individual of his/her right to request and receive a fair hearing if dissatisfied with those findings.

NEW SECTION

WAC 67-45-075 FAIR HEARING. (1) Any client dissatisfied with a 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 a hearing within thirty days after receiving notification from the department of the finding of the administrative review.

(2) A request for a fair hearing shall be sent to the Department of Services for the Blind, 921 Lakeridge Drive, Olympia, Washington, 98504, who will forward it to the office of the 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 individual will be notified in writing by the director within fifteen days of the receipt of the proposed decision.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 67-40-010 PURPOSE--DESCRIPTION.
- (2) WAC 67-40-015 PREVENTION--STAFF OPHTHALMOLOGIST.
- (3) WAC 67-40-016 PREVENTION--EYE PHYSICIANS ADVISORY COMMITTEE.
- (4) WAC 67-40-021 COOPERATIVE AGREEMENT WITH DEPARTMENT OF SOCIAL AND HEALTH SERVICES.
- (5) WAC 67-40-022 PREVENTION--FINANCIAL ELIGIBILITY.
- (6) WAC 67-40-026 PREVENTION--MEDICAL ELIGIBILITY.
- (7) WAC 67-40-051 PREVENTION--SERVICES PROVIDED.
- (8) WAC 67-40-061 SERVICES NOT PROVIDED.
- (9) WAC 67-40-090 PREVENTION--APPEAL AND FAIR HEARING.