

WSR 22-12-030
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Division of Vocational Rehabilitation)
[Filed May 24, 2022, 2:27 p.m.]

Subject of Possible Rule Making: References in WAC 388-891A-0610 and 388-891A-0890, and possible other sections in chapter 388-891A WAC addressing post-employment services (amend).

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 74.29.020(8) and 74.29.050.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The division of vocational rehabilitation (DVR) received recent guidance from the rehabilitation services administration (RSA) that clarifies RSA's interpretation of when vocational rehabilitation agencies may provide post-employment services under the Rehabilitation Act. RSA's interpretation is inconsistent with how Washington DVR currently provides post-employment services and how it is defined in WAC. Provision of post-employment services is subject to receipt of federal funding and continuing to apply WAC as currently written will place DVR out of compliance with federal guidance and could jeopardize its ability to receive federal funding. If DVR chose not to pursue an emergency rule, it could be interpreted to be in violation of RCW 74.29.050. The attorney general's office, client assistance program, and the Washington state rehabilitation council have been consulted and support DVR's reasons for the rule making.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DVR will continue to review guidance and information received from RSA in order to coordinate the rule making.

Process for Developing New Rule: DVR invites the interested public to review and provide input on the draft language of this rule. Draft material and information about how to participate may be obtained from the department representative listed below.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Terry Redmon, 4565 7th Avenue S.E., phone 360-725-3636, fax 360-438-8007, website dshs.wa.gov/dvr.

May 21, 2022
Katherine I. Vasquez
Rules Coordinator