

HOUSE BILL REPORT

SB 5441

As Passed House

April 17, 1993

Title: An act relating to updating statutes for rehabilitation services for individuals with disabilities pursuant to changes in federal law and regulations.

Brief Description: Updating statutes for rehabilitation services for handicapped persons.

Sponsors: Senators McAuliffe, Erwin, Talmadge, M. Rasmussen, Drew, Spanel, Loveland, von Reichbauer and Winsley; by request of Department of Social and Health Services.

Brief History:

Reported by House Committee on:

Human Services, April 1, 1993, DP;

Passed House, April 17, 1993, 87-0.

HOUSE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass. Signed by 11 members: Representatives Leonard, Chair; Riley, Vice Chair; Cooke, Ranking Minority Member; Talcott, Assistant Ranking Minority Member; Brown; Karahalios; Lisk; Padden; Patterson; Thibaudeau; and Wolfe.

Staff: John Welsh (786-7133).

Background: The Department of Social and Health Services provides vocational assistance, independent living and job support services to eligible persons with disabilities who have difficulty in obtaining and retaining employment due to a physical, mental or sensory disability. The department, through the Division of Vocational Rehabilitation, provides support and supervision to individuals with severe disabilities. This support and supervision is provided to enable them to work so that they can achieve and maintain their maximum level of economic self-support in the least restrictive, most integrated setting.

The Independent Living Program provides services to individuals with severe disabilities to enhance their maximum participation in family and community life.

Chapter 74.29 RCW authorizes the provision of vocational rehabilitation services for vocationally handicapped persons. These include the mentally retarded, severely handicapped and disadvantaged individuals. Enacted in 1969, the terminology is dated and differs in some respects from the definitions and terms employed in two recently enacted federal laws: the Americans with Disabilities Act of 1990, and the 1992 amendments to the Federal Rehabilitation Act. These federal laws form the basis of a federal-state partnership for the provision of vocational rehabilitation services to persons with disabilities.

Summary of Bill: The terminology of the law pertaining to vocational rehabilitation services to persons with disabilities is updated generally in accordance with federal terminology.

The term "vocationally handicapped persons" is replaced with "individuals with disabilities who have a barrier to employment" and "handicapped person" is referred to as an "individual with disabilities."

Sensory disability is included with physical and mental disabilities to define a person eligible for services.

Gender related references are stricken.

A new description of disabling conditions is added that stresses impairment of the ability to function independently in family or community, including employment.

There is a new definition of "severe disabilities" provided which includes a disability that seriously limits one or more functional capacities in employment outcome and participation in family or community life, and whose rehabilitation includes multiple services over an extended period of time.

The definition of disability is specified to include enumerated physical, mental or sensory conditions. Deleted from the definition are behavior disorders stemming from deviant social behavior or impaired ability to carry out normal relationships resulting from educational, cultural, social and environmental factors. The provision of services is no longer authorized for non-disabled persons disadvantaged by such factors as poverty, youth, advanced age, ethnic or cultural factors.

The definition of rehabilitation services stresses goods and services provided to determine eligibility and the rehabilitation needs of individuals with disabilities for employment and independence. They include community

rehabilitation programs and independent living centers, as well as special demonstration projects.

A definition of "job support services" is added to include goods and services, within available funds, provided after vocational rehabilitation for supporting an individual with severe disabilities in employment.

The department's mission is clarified to develop statewide rehabilitation programs, subject to available funds and consistent with federal law; to provide independent living and job support services in addition to vocational rehabilitation services; and to coordinate with the State Rehabilitation Council and the State Independent Living Council. The department shall determine eligibility and need for rehabilitation and job support services for each individual and purchase these services subject to the individual's ability to pay.

The authority of the department to provide rehabilitation services to other state and local agencies through cooperative agreements is clarified.

Statutes are repealed that are redundant or inconsistent with these changes.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: These housekeeping amendments are necessary to conform with federal law and the receipt of federal funds, which constitute some 80 percent of the federal-state watch.

Testimony Against: None.

Witnesses: Jeanne Munro, Department of Social and Health Services.