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HOUSE BILL 1206

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State of Washington

53rd Legislature

1993 Regular Session

By Representatives Leonard, Cooke, Riley, Chappell, Brough, Horn and Wood; by request of Department of Social and Health Services

Read first time 01/20/93. Referred to Committee on Human Services.

1 AN ACT Relating to updating statutes for rehabilitation services  
2 for individuals with disabilities pursuant to changes in federal law  
3 and regulations; amending RCW 74.29.005, 74.29.010, 74.29.020,  
4 74.29.080, and 74.29.037; and repealing RCW 74.29.105, 74.29.100,  
5 74.29.110, and 74.29.025.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 74.29.005 and 1969 ex.s. c 223 s 28A.10.005 are each  
8 amended to read as follows:

9 The purposes of this chapter are (1) to rehabilitate (~~vocationally~~  
10 ~~handicapped persons~~) individuals with disabilities who have a barrier  
11 to employment so that they may prepare for and engage in a gainful  
12 occupation; (2) to provide persons with physical (~~or~~), mental, or  
13 sensory disabilities with a program of services which will result in  
14 greater opportunities for them to enter more fully into (~~the~~) life  
15 (~~of~~) in the community; (3) to promote activities which will assist  
16 (~~the vocationally handicapped~~) individuals with disabilities to  
17 (~~reach their fullest potential~~) become self-sufficient and self-  
18 supporting; and (4) to encourage and develop (~~facilities~~) community

1 rehabilitation programs, job support services, and other resources  
2 needed by (~~the handicapped~~) individuals with disabilities.

3 **Sec. 2.** RCW 74.29.010 and 1970 ex.s. c 18 s 52 are each amended to  
4 read as follows:

5 (1) (~~("Handicapped person")~~) "Individual with disabilities" means  
6 (~~(any)~~) an individual:

7 (a) Who has a physical (~~(or)~~), mental, or sensory disability, which  
8 (~~(constitutes a substantial handicap to employment, of such a nature~~  
9 ~~that))~~ requires vocational rehabilitation services (~~(may reasonably be~~  
10 expected to render him fit)) to prepare for, enter into, engage in  
11 (~~(a)~~), retain, or engage in and retain gainful (~~(occupation)~~)  
12 employment consistent with his or her capacities and abilities; or

13 (b) Who (~~(, because of lack of social competence or mobility,~~  
14 experience, skills, training, or other factors, is in need of  
15 vocational rehabilitation services in order to become fit to engage in  
16 a gainful occupation or to attain or maintain a maximum degree of self-  
17 support or self-care; or

18 (~~(c) For whom vocational rehabilitation services are necessary to~~  
19 ~~determine rehabilitation potential))~~ has a physical, mental, or sensory  
20 impairment whose ability to function independently in the family or  
21 community or whose ability to obtain, maintain, or advance in  
22 employment is substantially limited and for whom the delivery of  
23 vocational rehabilitation or independent living services will improve  
24 the ability to function, continue functioning, or move towards  
25 functioning independently in the family or community or to continue in  
26 employment.

27 (2) "Individual with severe disabilities" means an individual with  
28 disabilities:

29 (a) Who has a physical, mental, or sensory impairment that  
30 seriously limits one or more functional capacities, such as mobility,  
31 communication, self-care, self-direction, interpersonal skills, work  
32 tolerance, or work skills, in terms of employment outcome, and/or  
33 independence and participation in family or community life;

34 (b) Whose rehabilitation can be expected to require multiple  
35 rehabilitation services over an extended period of time; and

36 (c) Who has one or more physical, mental, or sensory disabilities  
37 resulting from amputation, arthritis, autism, blindness, burn injury,  
38 cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart

1 disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction,  
2 mental retardation, mental illness, multiple sclerosis, muscular  
3 dystrophy, musculoskeletal disorders, neurological disorders (including  
4 stroke and epilepsy), paraplegia, quadriplegia, other spinal cord  
5 conditions, sickle cell anemia, specific learning disability, end-stage  
6 renal disease, or another disability or combination of disabilities  
7 determined on the basis of an assessment for determining eligibility  
8 and rehabilitation needs to cause comparable substantial functional  
9 limitation.

10 ~~(3)~~ "Physical ((or)), mental, or sensory disability" means a  
11 physical ((or)), mental, or sensory condition which materially limits,  
12 contributes to limiting or, if not corrected or accommodated, will  
13 probably result in limiting an individual's activities or functioning.  
14 ~~((The term includes behavioral disorders characterized by deviant~~  
15 ~~social behavior or impaired ability to carry out normal relationships~~  
16 ~~with family and community which may result from vocational,~~  
17 ~~educational, cultural, social, environmental or other factors.~~

18 ~~(3) "Vocational)~~ (4) "Rehabilitation services" means goods or  
19 services provided ((handicapped persons to enable such persons to be  
20 fit for gainful occupation or)) to: (a) Determine eligibility and  
21 rehabilitation needs of individuals with disabilities, and/or (b)  
22 enable individuals with disabilities to attain or ((maintain a maximum  
23 degree of self-support or self-care and includes every type of goods  
24 and services for which)) retain employment and/or independence, and/or  
25 (c) contribute substantially to the rehabilitation of a group of  
26 individuals with disabilities. To the extent federal funds are  
27 available ((for vocational rehabilitation purposes, including)), goods  
28 and services may include, but are not limited to, the establishment,  
29 construction, development, operation and maintenance of ((workshops  
30 and)) community rehabilitation ((facilities)) programs and independent  
31 living centers, as well as special demonstration projects.

32 ~~((4) "Self-care"))~~ (5) "Independence" means a reasonable degree of  
33 restoration from dependency upon others to self-direction and greater  
34 control over circumstances of one's life for personal needs and care  
35 and includes but is not limited to the ability to live in ((own)) one's  
36 home((, rather than requiring nursing home care and care for self  
37 rather than requiring attendant care)).

38 ~~((5))~~ (6) "Job support services" means ongoing goods and services  
39 provided after vocational rehabilitation, subject to available funds,

1 that support an individual with severe disabilities in employment.  
2 Such services include, but are not limited to, extraordinary  
3 supervision or job coaching.

4 (7) "State agency" means the department of social and health  
5 services.

6 **Sec. 3.** RCW 74.29.020 and 1969 ex.s. c 223 s 28A.10.020 are each  
7 amended to read as follows:

8 Subject to available funds, and consistent with federal law and  
9 regulations the state agency shall:

10 (1) Develop state-wide rehabilitation programs;

11 (2) Provide vocational rehabilitation services, independent living  
12 services, and/or job support services to ((handicapped persons,  
13 including the placing of such persons in gainful occupations))  
14 individuals with disabilities or severe disabilities;

15 ((+2)) (3) Disburse all funds provided by law and may receive,  
16 accept and disburse such gifts, grants, conveyances, devises and  
17 bequests of real and personal property from public or private sources,  
18 as may be made from time to time, in trust or otherwise, whenever the  
19 terms and conditions thereof will aid in carrying out ((vocational))  
20 rehabilitation services as specified by law and the regulations of the  
21 state agency; and may sell, lease or exchange real or personal property  
22 according to the terms and conditions thereof. Any money so received  
23 shall be deposited in the state treasury for investment, reinvestment  
24 or expenditure in accordance with the conditions of its receipt and RCW  
25 43.88.180;

26 ((+3)) (4) Appoint and fix the compensation and prescribe the  
27 duties, of the personnel necessary for the administration of this  
28 chapter, unless otherwise provided by law;

29 ((+4)) (5) Make exploratory studies, ((make)) do reviews, and  
30 ((do)) research relative to ((vocational)) rehabilitation;

31 (6) Coordinate with the state rehabilitation advisory council and  
32 the state independent living advisory council on the administration of  
33 the programs;

34 (7) Report to the governor and to the legislature on the  
35 administration of this chapter, as requested; and

36 (8) Adopt rules, in accord with chapter 34.05 RCW, necessary to  
37 carry out the purposes of this chapter.

1       **Sec. 4.** RCW 74.29.080 and 1983 1st ex.s. c 41 s 16 are each  
2 amended to read as follows:

3       (1) Determination of eligibility and need for rehabilitation  
4 services and determination of eligibility for job support services  
5 shall be made by the state agency for each individual according to its  
6 established rules, policies, procedures, and standards.

7       (2) The state agency may purchase, from any source, (~~by contract,~~  
8 ~~vocational~~) rehabilitation services and job support services for  
9 (~~handicapped persons, payments for such services to be made subject~~  
10 ~~to procedures and fiscal controls approved by the director of financial~~  
11 ~~management. The performance of and payment for such services shall be~~  
12 ~~subject to post audit review by the state auditor.~~

13       (2) ~~Notwithstanding any other provision of RCW 74.29.080,~~  
14 ~~74.29.100, 74.29.105 and 74.29.110, when the state agency determines~~  
15 ~~that a mentally retarded, severely handicapped, or disadvantaged person~~  
16 ~~can reasonably be expected to benefit from, or in his best interests~~  
17 ~~reasonably requires extended sheltered employment or supervised work~~  
18 ~~furnished by an approved nonprofit organization, the state agency is~~  
19 ~~authorized to contract with such organization for the furnishing of~~  
20 ~~such sheltered employment or supervised work to such mentally retarded,~~  
21 ~~severely handicapped, or disadvantaged person.~~

22       (3) ~~The determination of eligibility for such service shall be made~~  
23 ~~for each individual by the state agency. The mentally retarded,~~  
24 ~~severely handicapped and disadvantaged individuals served under this~~  
25 ~~law shall be construed to be poor or infirm within the meaning of the~~  
26 ~~term as used in the state Constitution)) individuals with disabilities,~~  
27 subject to the individual's income or other resources that are  
28 available to contribute to the cost of such services.

29       (~~(4)~~) (3) The state agency shall maintain ((a)) registers of  
30 ((nonprofit)) individuals and organizations which ((it has inspected  
31 and certified as meeting)) meet required standards and ((as qualifying  
32 to serve the needs of such mentally retarded, severely handicapped, or  
33 disadvantaged persons)) qualify to provide rehabilitation services and  
34 job support services to individuals with disabilities. Eligibility of  
35 such individuals and organizations ((to receive the funds hereinbefore  
36 specified)) shall be based upon standards and criteria promulgated by  
37 the state agency.

1       (~~(5) The state agency is authorized to promulgate such rules and~~  
2 ~~regulations as it may deem necessary or proper to carry out the~~  
3 ~~provisions of this section.~~)

4       NEW SECTION.   **Sec. 5.** The following acts or parts of acts are each  
5 repealed:

6       (1) RCW 74.29.105 and 1969 c 105 s 3;

7       (2) RCW 74.29.100 and 1970 ex.s. c 15 s 24 & 1969 c 105 s 1;

8       (3) RCW 74.29.110 and 1970 ex.s. c 15 s 25 & 1969 c 105 s 4; and

9       (4) RCW 74.29.025 and 1977 c 75 s 18 & 1969 ex.s. c 223 s  
10 28A.10.025.

11       **Sec. 6.** RCW 74.29.037 and 1969 ex.s. c 223 s 28A.10.037 are each  
12 amended to read as follows:

13       The state agency (~~(shall make available vocational rehabilitation~~  
14 ~~services to the departments of institutions, labor and industries,~~  
15 ~~public assistance, and employment security, and other state or other~~  
16 ~~public agencies, in accordance with)) may establish cooperative  
17 agreements (~~(between the)) with other state ((agency)) and ((the~~  
18 ~~respective)) local agencies.~~~~

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