

Chapter 74.29 RCW
REHABILITATION SERVICES FOR INDIVIDUALS WITH DISABILITIES

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Department of social and health services (including division of vocational rehabilitation): Chapter 43.20A RCW.

Investment of accident, medical aid, reserve, self-insurance reserve, industrial insurance rainy day, supplemental pension funds: RCW 51.44.100.

RCW 74.29.005 Purpose. The purposes of this chapter are (1) to rehabilitate individuals with disabilities who have a barrier to employment so that they may prepare for and engage in a gainful occupation; (2) to provide persons with physical, mental, or sensory disabilities with a program of services which will result in greater opportunities for them to enter more fully into life in the community; (3) to promote activities which will assist individuals with disabilities to become self-sufficient and self-supporting; and (4) to encourage and develop community rehabilitation programs, job support services, and other resources needed by individuals with disabilities. [1993 c 213 s 1; 1969 ex.s. c 223 s 28A.10.005. Prior: 1967 c 118 s 1. Formerly RCW 28A.10.005, 28.10.005.]

RCW 74.29.010 Definitions. (1) "Department" means the department of social and health services.

(2) "Independence" means a reasonable degree of restoration from dependency upon others to self-direction and greater control over circumstances of one's life for personal needs and care and includes but is not limited to the ability to live in one's home.

(3) "Individual with disabilities" means an individual:

(a) Who has a physical, mental, or sensory disability, which requires vocational rehabilitation services to prepare for, enter into, engage in, retain, or engage in and retain gainful employment consistent with his or her capacities and abilities; or

(b) Who has a physical, mental, or sensory impairment whose ability to function independently in the family or community or whose ability to obtain, maintain, or advance in employment is substantially limited and for whom the delivery of vocational rehabilitation or independent living services will improve the ability to function,

continue functioning, or move towards functioning independently in the family or community or to continue in employment.

(4) "Individual with severe disabilities" means an individual with disabilities:

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

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

(c) Who has one or more physical, mental, or sensory disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disability, end-stage renal disease, or another disability or combination of disabilities determined on the basis of an assessment for determining eligibility and rehabilitation needs to cause comparable substantial functional limitation.

(5) "Job support services" means ongoing goods and services provided after vocational rehabilitation, subject to available funds, that support an individual with severe disabilities in employment. Such services include, but are not limited to, extraordinary supervision or job coaching.

(6) "Physical, mental, or sensory disability" means a physical, mental, or sensory condition which materially limits, contributes to limiting or, if not corrected or accommodated, will probably result in limiting an individual's activities or functioning.

(7) "Rehabilitation services" means goods or services provided to: (a) Determine eligibility and rehabilitation needs of individuals with disabilities, and/or (b) enable individuals with disabilities to attain or retain employment and/or independence, and/or (c) contribute substantially to the rehabilitation of a group of individuals with disabilities. To the extent federal funds are available, goods and services may include, but are not limited to, the establishment, construction, development, operation and maintenance of community rehabilitation programs and independent living centers, as well as special demonstration projects. [2022 c 167 s 1. Prior: 2010 c 94 s 26; 1993 c 213 s 2; 1970 ex.s. c 18 s 52; 1969 ex.s. c 223 s 28A.10.010; prior: 1967 ex.s. c 8 s 41; 1967 c 118 s 2; 1957 c 223 s 1; 1933 c 176 s 2; RRS s 4925-2. Formerly RCW 28A.10.010, 28.10.010.]

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2)(k).

Purpose—2010 c 94: See note following RCW 44.04.280.

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

RCW 74.29.020 Powers and duties of department. Subject to available funds, and consistent with federal law and regulations the department shall:

- (1) Develop statewide rehabilitation programs;
- (2) Provide vocational rehabilitation services, independent living services, and/or job support services to individuals with disabilities or severe disabilities;
- (3) Disburse all funds provided by law and may receive, accept and disburse such gifts, grants, conveyances, devises and bequests of real and personal property from public or private sources, as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out rehabilitation services as specified by law and the regulations of the department; and may sell, lease or exchange real or personal property according to the terms and conditions thereof. Any money so received shall be deposited in the state treasury for investment, reinvestment or expenditure in accordance with the conditions of its receipt and RCW 43.88.180;
- (4) Appoint and fix the compensation and prescribe the duties, of the personnel necessary for the administration of this chapter, unless otherwise provided by law;
- (5) Make exploratory studies, do reviews, and research relative to rehabilitation;
- (6) Coordinate with the state rehabilitation advisory council and the state independent living advisory council on the administration of the programs;
- (7) Report to the governor and to the legislature on the administration of this chapter, as requested; and
- (8) Adopt rules, in accord with chapter 34.05 RCW, necessary to carry out the purposes of this chapter. [2022 c 167 s 2; 1993 c 213 s 3; 1969 ex.s. c 223 s 28A.10.020. Prior: 1967 ex.s. c 8 s 42; 1967 c 118 s 6; 1963 c 135 s 1; 1957 c 223 s 3; 1933 c 176 s 3; RRS s 4925-3. Formerly RCW 28A.10.020, 28.10.030.]

RCW 74.29.037 Cooperative agreements with state and local agencies. The department may establish cooperative agreements with other state and local agencies. [2022 c 167 s 3; 1993 c 213 s 6; 1969 ex.s. c 223 s 28A.10.037. Prior: 1967 ex.s. c 8 s 45; 1967 c 118 s 7. Formerly RCW 28A.10.037, 28.10.037.]

RCW 74.29.050 Acceptance of federal aid—Generally. The state of Washington does hereby:

- (1) Accept the provisions and maximum possible benefits resulting from any acts of congress which provide benefits for the purposes of this chapter;
- (2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for purposes of this chapter, and authorize the state treasurer to make disbursements therefrom upon the order of the department; and
- (3) Empower and direct the department to cooperate with the federal government in carrying out the provisions of this chapter or of any federal law or regulation pertaining to vocational rehabilitation, and to comply with such conditions as may be necessary to assure the maximum possible benefits resulting from any such

federal law or regulation. [2022 c 167 s 4; 1969 ex.s. c 223 s 28A.10.050. Prior: 1967 ex.s. c 8 s 43; 1967 c 118 s 9; 1957 c 223 s 5; 1955 c 371 s 1; 1933 c 176 s 5; RRS s 4925-5. Formerly RCW 28A.10.050, 28.10.050.]

RCW 74.29.055 Acceptance of federal aid—Construction of chapter when part thereof in conflict with federal requirements which are condition precedent to allocation of federal funds. If any part of this chapter shall be found to be in conflict with federal requirements which are a condition precedent to the allocation of federal funds to the state, such conflicting part of this chapter is hereby declared to be inoperative solely to the extent of such conflict, and such findings or determination shall not affect the operation of the remainder of this chapter. [1969 ex.s. c 223 s 28A.10.055. Prior: 1967 c 118 s 10. Formerly RCW 28A.10.055, 28.10.055.]

RCW 74.29.080 Rehabilitation and job support services—Procedure—Register of eligible individuals and organizations. (1) Determination of eligibility and need for rehabilitation services and determination of eligibility for job support services shall be made by the department for each individual according to its established rules, policies, procedures, and standards.

(2) The department may purchase, from any source, rehabilitation services and job support services for individuals with disabilities, subject to the individual's income or other resources that are available to contribute to the cost of such services.

(3) The department shall maintain registers of individuals and organizations which meet required standards and qualify to provide rehabilitation services and job support services to individuals with disabilities. Eligibility of such individuals and organizations shall be based upon standards and criteria promulgated by the department. [2022 c 167 s 5; 1993 c 213 s 4; 1983 1st ex.s. c 41 s 16; 1979 c 151 s 11; 1972 ex.s. c 15 s 1; 1970 ex.s. c 18 s 53; 1970 ex.s. c 15 s 23; 1969 ex.s. c 223 s 28A.10.080. Prior: 1969 c 105 s 2; 1967 ex.s. c 8 s 46; 1967 c 118 s 8. Formerly RCW 28A.10.080, 28.10.080.]

Severability—1983 1st ex.s. c 41: See note following RCW 26.09.060.

Effective date—Severability—1970 ex.s. c 18: See notes following RCW 43.20A.010.

Severability—1970 ex.s. c 15: See note following RCW 28A.230.160.

RCW 74.29.090 School to work program. The department of social and health services shall:

(1) Establish a school to work program in all counties in the state to work with all students with intellectual and developmental disabilities who are potentially eligible to receive adult support services from the developmental disabilities administration of the

department and are receiving high school transition services in order to connect these students with supported employment services; and

(2) In collaboration with the office of the superintendent of public instruction, the counties administering supported employment services in collaboration with the developmental disabilities administration of the department, the department of services for the blind, and any other relevant state agency working with students who are potentially eligible for adult support services from the developmental disabilities administration of the department shall:

(a) Create a statewide council to:

(i) Establish common guidelines and outcome goals across regional interagency transition networks to ensure equitable access through system navigation for individuals receiving high school transition services and connection to services after leaving the school system; and

(ii) Establish a referral and information system that helps students who are potentially eligible for adult support services from the developmental disabilities administration of the department who are transitioning from high school, and their families or guardians, connect to the necessary services and agencies that support the needs of adults with intellectual and developmental disabilities; and

(b) Establish regional interagency transition networks as proposed in the 2020 transition collaborative summative report. Each regional network shall include representation from schools, counties, the developmental disabilities administration of the department, the regional division of vocational rehabilitation, service providers, community members, and students and families. The regional networks shall identify improvement goals and report no less than annually on progress or barriers to achieving these goals to the statewide council. [2022 c 167 s 6.]