

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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## ENROLLED

Com. SUB. FOR

HOUSE BILL No. 2214

(By Delegates Neal + Farley)

— ● —

Passed MARCH 14, 1987

In Effect NINETY DAYS FROM Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2214**  
(By DELEGATES NEAL and FARLEY)

[Passed March 14, 1987; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and two, article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to vocational rehabilitation; changing the name of the state board of vocational education to the state board of rehabilitation as it relates to services to disabled individuals; and changing the name of the division of vocational rehabilitation to the division of rehabilitation services.

*Be it enacted by the Legislature of West Virginia:*

That sections one and two, article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 10A. REHABILITATION SERVICES.**

**§18-10A-1. Definitions.**

1     As used in this article:

2     (1) "State board" means the state board of  
3     rehabilitation.

4     (2) "Division" means the division of rehabilitation  
5     services established by this article.

6       (3) "Director" means the director of the division of  
7       rehabilitation services.

8       (4) "Employment handicap" means a physical or  
9       mental condition which constitutes, contributes to, or if  
10      not corrected will probably result in, an obstruction to  
11      occupational performance.

12      (5) "Disabled individual" means any person who has  
13      a substantial employment handicap.

14      (6) "Vocational rehabilitation" and "rehabilitation  
15      services" means any services, provided directly or  
16      through public or private instrumentalities, found by the  
17      director to be necessary to compensate a disabled  
18      individual for the employment handicap and to enable  
19      the individual to engage in a remunerative occupation  
20      including, but not limited to, medical and vocational  
21      diagnosis, vocational guidance, counseling and place-  
22      ment, rehabilitation training, attendant care services,  
23      physical restoration, transportation, occupational li-  
24      censes, occupational tools and equipment, including  
25      motor vehicles, maintenance, and training books and  
26      materials.

27      (7) "Rehabilitation training" means all necessary  
28      training provided to a disabled individual to compensate  
29      for the employment handicap including, but not limited  
30      to, manual, preconditioning, prevocational, vocational,  
31      and supplementary training and training provided for  
32      the purpose of achieving broader or more remunerative  
33      skills and capacities.

34      (8) "Physical restoration" means any medical, surgical  
35      or therapeutic treatment necessary to correct or  
36      substantially reduce a disabled individual's employment  
37      handicap within a reasonable length of time including,  
38      but not limited to, medical, psychiatric, dental and  
39      surgical treatment, nursing services, hospital care not  
40      to exceed ninety days, convalescent home care, drugs,  
41      medical and surgical supplies, and prosthetic applian-  
42      ces, but excluding curative treatment for acute or  
43      transitory conditions.

44      (9) "Prosthetic appliance" means any artificial device

45 necessary to support or take the place of a part of the  
46 body or to increase the acuity of a sense organ.

47 (10) "Occupational licenses" means any license,  
48 permit or other written authority required by any  
49 governmental unit to be obtained in order to engage in  
50 an occupation.

51 (11) "Maintenance" means money payments not  
52 exceeding the estimated cost of subsistence during  
53 vocational rehabilitation.

54 (12) "Regulations" means regulations made by the  
55 director with the approval of the state board.

56 (13) "Attendant care evaluation unit" means any  
57 agency certified by the division of rehabilitation services  
58 that employs a qualified evaluator to provide evaluations  
59 and attendant referrals such as the centers for inde-  
60 pendent living, and the West Virginia rehabilitation  
61 center and any other unit approved by the division.

62 (14) "Attendant care services" means services which  
63 include, but are not limited to:

64 (a) Routine bodily functions such as bowel and  
65 bladder care;

66 (b) Dressing;

67 (c) Ambulation;

68 (d) Meal preparation and consumption;

69 (e) Assistance in moving in and out of bed;

70 (f) Bathing and grooming;

71 (g) Housecleaning and laundry; and

72 (h) Any other similar activity of daily living.

73 (15) "Attendant" means a self-employed individual  
74 who is trained to perform attendant care services and  
75 who works as an independent contractor.

**§18-10A-2. State board of rehabilitation; division of  
rehabilitation services.**

1 For the purposes of this article, the state board of

2 education is hereby designated as the state board of  
3 rehabilitation. As such, it is authorized and directed to  
4 cooperate with the federal government to the fullest  
5 extent in an effort to provide rehabilitation services for  
6 disabled persons. To this end, there is hereby established  
7 in the state board of rehabilitation a division of  
8 rehabilitation services.

9 Except as to the provisions of article two-b of this  
10 chapter and such other code references where the  
11 context clearly indicates the provision of vocational  
12 education to other than disabled individuals, references  
13 in this code to the state board of vocational education  
14 as the governing board of vocational or other rehabil-  
15 itation services or facilities shall mean the state board  
16 of rehabilitation. All references in the code to the  
17 division of vocational rehabilitation shall mean the  
18 division of rehabilitation services, and all references to  
19 the director of the division of vocational rehabilitation  
20 shall mean the director of the division of rehabilitation  
21 services.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Bruce A. Williams  
Chairman Senate Committee

Lyle L. Little  
Chairman House Committee  
Member

Originating in the House.

Takes effect ninety days from passage.

Todd C. Miller  
Clerk of the Senate

Donald L. Kopp  
Clerk of the House of Delegates

Sanford J. Dineen  
President of the Senate

Robert C. Cole  
Speaker of the House of Delegates

The within approved this the 30th  
March  
day of \_\_\_\_\_, 1987.

Arch A. Moore, Jr.  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/87

Time 4:33 p.m.

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