WEST VIRGINIA CODE: §18-10A-1

§18-10A-1. Definitions.

As used in this article and §18-10B-1 et seq. of this code:

(1) “State board” means the Secretary of the Department of Commerce, or where required by federal law, the board, commission or council designated by the Secretary of the Department of Commerce to oversee certain functions of the Division of Rehabilitation Services. All references in this code to the state board of vocational education, except where the context clearly indicates the provision of vocational education to other than disabled individuals, means the state board defined by this subsection.

(2) “Division” means the division of vocational rehabilitation established by this article.

(3) “Director” means the director of the division of vocational rehabilitation.

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

(5) “Disabled individual” means any person who has a substantial employment handicap.

(6) “Vocational rehabilitation” and “vocational rehabilitation services” means any services, provided directly or through public or private instrumentalities, found by the director to be necessary to compensate a disabled individual for his or her employment handicap and to enable him or her to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, attendant care services, physical restoration, transportation, occupational licenses, occupational tools and equipment, including motor vehicles, maintenance, and training books and materials.

(7) “Rehabilitation training” means all necessary training provided to a disabled individual to compensate for his or her employment handicap including, but not limited to, manual, preconditioning, prevocational, vocational, and supplementary training and training provided for the purpose of achieving broader or more remunerative skills and capacities.

(8) “Physical restoration” means any medical, surgical, or therapeutic treatment necessary to correct or substantially reduce a disabled individual’s employment handicap within a reasonable length of time including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing services, hospital care not to exceed ninety days, convalescent home care, drugs, medical and surgical supplies, and prosthetic appliances, but excluding curative treatment for acute or transitory conditions.

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(9) “Prosthetic appliance” means any artificial device necessary to support or take the place of a part of the body or to increase the acuity of a sense organ.

(10) “Occupational licenses” means any license, permit or other written authority required by any governmental unit to be obtained in order to engage in an occupation.

(11) “Maintenance” means money payments not exceeding the estimated cost of subsistence during vocational rehabilitation.

(12) “Regulations” means regulations made by the director with the approval of the secretary of the Department of Commerce or the state board.

(13) “Attendant care evaluation unit” means any agency certified by the division of vocational rehabilitation that employs a qualified evaluator to provide evaluations and attendant referrals such as the centers for independent living, the West Virginia Rehabilitation Center and any other unit approved by the division.

(14) “Attendant care services” means services which include, but are not limited to:

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

(b) Dressing;

(c) Ambulation;

(d) Meal preparation and consumption;

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

(f) Bathing and grooming;

(g) Housecleaning and laundry; and

(h) Any other similar activity of daily living.

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

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