

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974



ENROLLED

HOUSE BILL No. 980

(By Mr. Speaker, Mr. McManus & Mr. Seibert)



PASSED March 8 1974

In Effect 90 days Passage



980

FILED IN THE OFFICE  
RODAR T. NEISHOL III  
SECRETARY OF STATE

THIS DATE 3-26-74

**ENROLLED**

**H. B. 980**

(By MR. SPEAKER, MR. MCMANUS, and MR. SEIBERT)

[Passed March 8, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and eight, article ten-a, chapter eighteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the division of vocational rehabilitation; services to include motor vehicles, initial business stocks and supplies, and books and materials.

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

That sections one and eight, 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. VOCATIONAL REHABILITATION.**

**§18-10A-1. Definitions.**

- 1 As used in this article:
- 2 (1) "State board" means the state board of education.
- 3 (2) "Division" means the division of vocational rehabilita-  
4 tion established by this article.
- 5 (3) "Director" means the director of the division of voca-  
6 tional rehabilitation.
- 7 (4) "Employment handicap" means a physical or mental  
8 condition which constitutes, contributes to, or if not corrected  
9 will probably result in, an obstruction to occupational per-  
10 formance.

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

13 (6) "Vocational rehabilitation" and "vocational rehabilita-  
14 tion services" means any services, provided directly or through  
15 public or private instrumentalities, found by the director to be  
16 necessary to compensate a disabled individual for his em-  
17 ployment handicap and to enable him to engage in a remuner-  
18 ative occupation including, but not limited to, medical and  
19 vocational diagnosis, vocational guidance, counseling and  
20 placement, rehabilitation training, physical restoration, trans-  
21 portation, occupational licenses, occupational tools and equip-  
22 ment, including motor vehicles, maintenance, and training  
23 books and materials.

24 (7) "Rehabilitation training" means all necessary training  
25 provided to a disabled individual to compensate for his em-  
26 ployment handicap including, but not limited to, manual, pre-  
27 conditioning prevocational, vocational, and supplementary  
28 training and training provided for the purpose of achieving  
29 broader or more remunerative skills and capacities.

30 (8) "Physical restoration" means any medical, surgical or  
31 therapeutic treatment necessary to correct or substantially re-  
32 duce a disabled individual's employment handicap within a  
33 reasonable length of time including, but not limited to, medi-  
34 cal, psychiatric, dental and surgical treatment, nursing services,  
35 hospital care not to exceed ninety days, convalescent home  
36 care, drugs, medical and surgical supplies, and prosthetic ap-  
37 pliances, but excluding curative treatment for acute or transi-  
38 tory conditions.

39 (9) "Urosthetic appliance" means any artificial device nec-  
40 essary to support or take the place of a part of the body or to  
41 increase the acuity of a sense organ.

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

45 (11) "Maintenance" means money payments not exceeding  
46 the estimated cost of subsistence during vocational rehabili-  
47 tation.

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

**§18-10A-8. Eligibility for vocational rehabilitation.**

1 Vocational rehabilitation services shall be provided to any  
2 disabled individual who is a resident of the state at the time  
3 of filing his application therefor, if the director after full  
4 investigation shall determine that his rehabilitation can be  
5 satisfactorily achieved. Such services shall also be provided  
6 to any person who is eligible therefor under the terms of an  
7 agreement with another state or with the federal government.

8 Except as otherwise provided by law or as specified in an  
9 agreement with the federal government with respect to classes  
10 of individuals certified to the state board thereunder, the  
11 following rehabilitation services shall be provided at public  
12 cost only to disabled individuals found to require financial  
13 assistance with respect thereto:

14 (1) Physical restoration.

15 (2) Transportation, for any other purpose than that of  
16 determining the eligibility of the individual for vocational  
17 rehabilitation services and the nature and extent of the services  
18 necessary.

19 (3) Occupational licenses.

20 (4) Occupational tools, equipment, initial stocks and sup-  
21 plies, books and training material; the title to any or all of  
22 which may be conveyed to the individual.

23 (5) Maintenance.

24 The rights of a disabled individual under the provisions of  
25 this article shall not be transferable or assignable at law or in  
26 equity.

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

H. Darrel Darby  
Chairman Senate Committee

Clarence C. Christian Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Harold W. Carson  
Clerk of the Senate

W. Blankenship  
Clerk of the House of Delegates

H. T. Brotherton, Jr.  
President of the Senate

Louis F. W. Mann  
Speaker House of Delegates

The within approved this the 25th  
March  
day of \_\_\_\_\_, 1974.

Arch A. Moore Jr.  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/15/74

Time 2:50 p.m.