WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

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ENROLLED

HOUSE BILL No. 980

(By Mr. Speaker, Mr. Speaker)

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PASSED March 8, 1974

In Effect 90 days Passage

C 641

FILED IN THE OFFICE
EDGAR F. HEISKELL, III
SECRETARY OF STATE
THIS DAY: 3-26-74
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.

As used in this article:

1. "State board" means the state board of education.

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 employment handicap and to enable him to engage in a remunerative occupation including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, 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 employment handicap including, but not limited to, manual, pre-conditioning 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.

(9) “Urosthetic 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 state board.

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

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

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

(1) Physical restoration.

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

(3) Occupational licenses.

(4) Occupational tools, equipment, initial stocks and supplies, books and training material; the title to any or all of which may be conveyed to the individual.

(5) Maintenance.

The rights of a disabled individual under the provisions of this article shall not be transferable or assignable at law or in equity.
The Joint Committee on Enrolled Bills hereby certifies that the
foregoing bill is correctly enrolled.

H. Daniel Clabby
Chairman Senate Committee

Clarence E. Christians Jr.
Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Hannah O. Carson
Clerk of the Senate

M A Blankenship
Clerk of the House of Delegates

H. P. Brachtont Jr.
President of the Senate

Louis F. Mann
Speaker House of Delegates

The within _____________________ approved this the 25th
day of _____________________, 1974.

Aubrey S. Moore Jr.
Governor
PRESENTED TO THE GOVERNOR

Date 3/5/74
Time 2:50 p.m.