

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987



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 Sittler

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

President of the Senate

Robert C. Bell

Speaker of the House of Delegates

The within *approved* this the *30th*
March
day of _____, 1987.

Arch A. Prange, Jr.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/87

Time 4:33 p.m.

RECEIVED

app. 1

INT ~~INT~~ M 9 21

OFFICE OF THE
SECRETARY OF THE