WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1987

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ENROLLED

Com. Sub. For

HOUSE BILL No. 2214

(By Delegates Neal & Farley)

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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 rehabilitation.

3 (2) “Division” means the division of rehabilitation services established by this article.
(3) “Director” means the director of the division of rehabilitation services.

(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 “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 the employment handicap and to enable the individual 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 the 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.

(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 state board.

(13) "Attendant care evaluation unit" means any agency certified by the division of rehabilitation services that employs a qualified evaluator to provide evaluations and attendant referrals such as the centers for independent living, and 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.

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

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

Except as to the provisions of article two-b of this chapter and such other code references where the context clearly indicates the provision of vocational education to other than disabled individuals, references in this code to the state board of vocational education as the governing board of vocational or other rehabilitation services or facilities shall mean the state board of rehabilitation. All references in the code to the division of vocational rehabilitation shall mean the division of rehabilitation services, and all references to the director of the division of vocational rehabilitation shall mean the director of the division of rehabilitation services.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within approved this the 30th day of MARCH, 1987.

Governor