

TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 54
COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED

67-5401. PURPOSES. The purposes of this act are:

- (1) To relieve blind persons from the distress of poverty;
- (2) To encourage and assist blind persons in their efforts to become socially and economically independent and to render themselves more self-supporting; and
- (3) To enlarge the opportunities of blind persons to obtain education, vocational training and employment.

[67-5401, added 1967, ch. 373, sec. 1, p. 1071.]

67-5402. DEFINITIONS. As used in this act, unless the context otherwise requires:

(1) "Commission" means the Idaho commission for the blind and visually impaired.

(2) "Blind" or "visually impaired" means a person whose visual acuity with correcting lenses is not better than 20/200 in the better eye; or a person whose vision in the better eye is restricted to a field which subtends an angle of not greater than 20 degrees; or a person who is functionally blind; or a person who is without any sight.

(3) "Functionally blind" means a person with a visual impairment which constitutes or results in a substantial impediment to employment, or substantially limits one (1) or more major life activities.

(4) "Prevention of blindness and sight restoration" means treatment or operations to prevent blindness or restore vision to applicants or recipients of services to the blind without financial resources to procure such services for themselves, who request and make written application for such treatment or operation.

[67-5402, added 1967, ch. 373, sec. 2, p. 1071; am. 1967 (1st E.S.), ch. 14, sec. 1, p. 41; am. 1973, ch. 103, sec. 1, p. 176; am. 1982, ch. 350, sec. 2, p. 867; am. 1987, ch. 74, sec. 1, p. 145; am. 1994, ch. 159, sec. 5, p. 365; am. 2003, ch. 127, sec. 1, p. 378.]

67-5403. COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED -- CREATION -- COMPOSITION -- APPOINTMENT -- TRANSFER OF POWERS FROM DEPARTMENT OF PUBLIC ASSISTANCE. (1) There is hereby created in the office of the governor the Idaho commission for the blind and visually impaired. The commission shall consist of five (5) members, at least three (3) of whom shall be blind or visually impaired, and not more than three (3) of whom shall belong to the same political party.

The governor shall appoint members of the commission subject to ratification by the senate at the next regular or special session of the legislature.

All appointments shall be made for terms of three (3) years, beginning on July 1st. If for any reason a member should leave the commission before his term expires, the governor shall appoint another member to fill out the unexpired term.

(2) All powers and duties of the department of public assistance relating to services to the blind and sight conservation as herein defined, are transferred to and shall be assumed by the commission on October 1, 1967.

[67-5403, added 1967, ch. 373, sec. 3, p. 1071; am. 1967 (1st E.S.), ch. 17, sec. 1, p. 46; am. 1974, ch. 22, sec. 46, p. 592; am. 1994, ch. 159, sec. 6, p. 365.]

67-5404. COMPENSATION. Members of the commission shall be compensated as provided by section 59-509(h), Idaho Code[,] or as provided by section 59-509(n), Idaho Code, pursuant to a one (1) time irrevocable election made in writing by the member.

[67-5404, added 1967, ch. 373, sec. 4, p. 1071; am. 1980, ch. 247, sec. 88, p. 651; am. 1990, ch. 33, sec. 1, p. 49; am. 2012, ch. 115, sec. 3, p. 319.]

67-5405. ORGANIZATION OF COMMISSION -- EMPLOYMENT OF ADMINISTRATOR. The commission shall elect a chairman and a vice chairman. The commission shall function as the policy setting entity of the commission programs and shall employ and fix the compensation of a full-time administrator who shall serve as its secretary, and who shall be the chief administrative officer of the commission.

[67-5405, added 1967, ch. 373, sec. 4, p. 1071; am. 1974, ch. 22, sec. 47, p. 592; am. 1987, ch. 74, sec. 2, p. 146; am. 1988, ch. 108, sec. 1, p. 198.]

67-5406. MEETINGS -- QUORUM. The commission shall meet at least once every quarter regularly and at such times as called by the chairman. A majority of the commission members shall constitute a quorum for all business.

[67-5406, added 1967, ch. 373, sec. 6, p. 1071; am. 1990, ch. 1, sec. 1, p. 3.]

67-5407. DUTIES. The commission shall:

(a) Assist blind persons in achieving physical and psychological orientation, inform blind persons of available services, stimulate and assist the blind in achieving social and economic independence, and do all things which will ameliorate the condition of the blind.

(b) Provide intensive programs of case finding, education, vocational and other rehabilitation training, job findings and placement, physical restoration, and such other services and equipment as may assist in rendering blind persons more self-supporting and socially independent.

(c) Provide a business enterprise program including management, supervision and development services.

(d) Provide a program for the prevention of blindness and sight restoration as designed in this act. The commission shall pay for all necessary expenses incurred in connection with the diagnosis, treatment or surgery to prevent blindness or restore vision. Necessary expenses include the cost of getting service, the cost of services, medical and physician fees, hospital services, nursing services, maintenance while the applicant or recipient is away from the home, transportation to the physician or hospital and return to his home, and the cost of nursing home care when such care is necessary. These services will be provided to individuals without financial resources to procure such services for themselves.

(e) Establish rules in accordance with the provisions of the administrative procedure act.

(f) On or before December first in 1968, and each year thereafter, render a report to the legislature and to the governor of its activities, including recommendations for improvements therein.

(g) Enter into contracts and agreements with the federal government through its appropriate agency or instrumentality whereby the commission shall receive federal grants or other benefits for the prevention of blindness or for services to the blind, including medical eye care, instruction in the home, social adjustment and vocational and other rehabilitations, and shall act as the official state agency to collaborate with the federal government in the administration of any present or subsequent programs that may be set up for the purposes of providing services to or rehabilitating the blind.

[67-5407, added 1967, ch. 373, sec. 7, p. 1071; am. 1967 (1st E.S.), ch. 14, sec. 2, p. 41; am. 1983, ch. 75, sec. 3, p. 162; am. 1984, ch. 147, sec. 12, p. 346; am. 1988, ch. 107, sec. 1, p. 196; am. 1992, ch. 58, sec. 8, p. 171; am. 1997, ch. 267, sec. 13, p. 768.]

67-5408. COMMISSION AS AGENCY TO ADMINISTER REHABILITATION IN FEDERAL PROGRAMS. The commission is hereby designated as the sole agency responsible for the vocational and other rehabilitation of the blind and shall administer the program of vocational rehabilitation for the blind as provided for in the vocational rehabilitation act amendments of 1965 (P.L. 113 [333], 89th Congress; 29 U.S.C. Chapter 4 (Section 31 et seq.) []), and subsequent amendments.

[67-5408, added 1967, ch. 373, sec. 8, p. 1071.]

67-5409. QUALIFICATIONS FOR THE ADMINISTRATOR AND OTHER EMPLOYEES. The administrator of the commission shall be experienced in work for the blind and preference shall be given to equally qualified blind persons in filling the position of administrator of the commission.

The administrator shall, subject to the provisions of chapter 53, title 67, Idaho Code, employ and fix the compensation of all other employees of the commission who shall be directly responsible to the administrator of the commission.

Professional employees shall consist of persons skilled in assisting blind persons to achieve social and economic independence.

[67-5409, added 1967, ch. 373, sec. 9, p. 1071; am. 1987, ch. 74, sec. 3, p. 146.]

67-5410. LIMITATION ON DISCLOSURE BY COMMISSION CONCERNING PERSONS APPLYING FOR SERVICES TO THE BLIND. Information with respect to any individual applying for or receiving services to the blind shall not be disclosed by the commission or any of its employees to any person, association or body unless such disclosure is related directly to carrying out the provisions of this act or upon written permission of the applicant or recipient.

[67-5410, added 1967, ch. 373, sec. 10, p. 1071.]

67-5411. COMMISSION AS SOLE LICENSING AGENCY UNDER THE PROVISIONS OF THE RANDOLPH-SHEPPARD VENDING STAND ACT. The commission is hereby designated as the sole licensing agency under the provisions of the Randolph-Sheppard vending stand act (P.L. 732, 74th Congress, 49 stat. 1559, as

amended by section 4 of P.L. 565, 83rd Congress, 68 stat. 663; 20 U.S.C. 107, Chapter 6A).

[67-5411, added 1967, ch. 373, sec. 11, p. 1071.]

67-5412. ADMINISTRATOR TO PREPARE A STATE PLAN FOR VOCATIONAL REHABILITATION OF THE BLIND. The administrator of the commission shall prepare a state plan for vocational rehabilitation of the blind and after approved by the commission shall submit the same to the United States department of education pursuant to the requirements of the Rehabilitation Act of 1973, as amended, P.L. 99-506, 99th Congress, for approval.

[67-5412, added 1967, ch. 373, sec. 12, p. 1071; am. 1987, ch. 74, sec. 4, p. 146.]

67-5413. ACCEPTANCE OF FEDERAL ACTS. The state of Idaho and the commission for the blind and visually impaired hereby affirm their acceptance of the provisions and benefits of the act of Congress entitled, "The Randolph-Sheppard Act," P.L. 93-516, 93rd Congress, and "The Rehabilitation Act of 1973," as amended, P.L. 98-221, 98th Congress, and will observe and comply with all requirements of such acts, limited only by approved state plan and funding restrictions.

[67-5413, added 1986, ch. 341, sec. 1, p. 846; am. 1994, ch. 159, sec. 7, p. 366.]

67-5414. REPORTS OF MEDICAL AUTHORITIES ESTABLISHING BLINDNESS. Any Idaho physician, optometrist, or other person who diagnoses a person as blind, as defined in section 67-5402(2), Idaho Code, shall, if the person consents, report within thirty (30) days the result of the examination to the administrator of the commission. Disclosure of this information will be limited to carrying out the provisions of this act or upon written permission of the blind person.

[67-5414, added 1990, ch. 177, sec. 1, p. 377.]

67-5415. STATISTICAL REGISTER OF BLIND -- MAINTENANCE BY ADMINISTRATOR. The administrator of the commission shall maintain a statistical register of the blind in the state which shall describe therein the condition, cause of blindness and capacity to benefit from agency services. The register shall be maintained on a current basis so as to give information which will aid in planning improved facilities and services to the blind and restoration and conservation of sight.

[67-5415, added 1990, ch. 177, sec. 1, p. 377.]