§ 1002. Definitions. As used in this article:

1. "Handicapped person" means any person who in the judgment of the department is under a physical or mental disability which constitutes a substantial handicap to employment but which is of such a nature that vocational rehabilitation services may reasonably be expected to render him fit to engage in gainful employment, and also any person under a physical or mental disability which constitutes a substantial handicap to employment and for whom vocational rehabilitation services are necessary to ascertain his rehabilitation potential.

2. "Person who is under a physical or mental disability" means an individual who has a physical or mental condition which in the judgment of the department limits, contributes to limiting, or, if not corrected, will result in limiting his activities or functioning.

3. "Substantial handicap to employment" means that a physical or mental disability (in the light of attendant medical, psychological, vocational, educational, cultural, social or environmental factors) impedes an individual's occupational performance, by preventing his obtaining, retaining, or preparing for a gainful occupation consistent with his capacities and abilities.

4. "Gainful occupation" includes any employment for which a compensation is paid either in goods and/or in services; practice of a profession; self-employment; homemaking, farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; and home industries or other gainful homebound work.

5. "Vocational rehabilitation services" means:

a. Any goods and services necessary to render a handicapped person fit to engage in a gainful occupation and includes:

(1.) Evaluation, including diagnostic and related services;

(2.) Counseling and Guidance;

(3.) Training;

(4.) Placement;

(5.) Reader service where necessary for individuals who are visually handicapped and interpreter services in the case of individuals who are deaf;

(6.) Attendants and amanuenses where required;

(7.) Occupational and business licenses;

(8.) Books, training supplies and fees;

(9.) Transportation;

(10.) Physical restoration services;

(11.) Maintenance payments to cover the handicapped person's expenses essential to achievement of his vocational rehabilitation objective;

(12.) Tools, equipment, initial stocks and supplies;

(13.) Training allowances which may be paid to individuals receiving training and related services in public and other non-profit workshops and rehabilitation facilities to the extent that funds may be made available for this purpose;

(14.) Other goods and services, not enumerated in this subdivision, necessary to render a handicapped person fit to engage in a gainful occupation.

b. The establishment of public and other nonprofit rehabilitation facilities for handicapped persons; the establishment of public and other nonprofit workshops for the severely handicapped; and the staffing of public and other nonprofit workshops for the severely handicapped so that workshops may be established, extended, improved or continued.

6. "Physical restoration services" mean those medical and medically related services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive and which constitutes a substantial handicap to employment, and includes (but is not limited to):

a. corrective surgery or therapeutic treatment;

b. necessary hospitalization in connection with surgery or treatment specified in (a);

c. prosthetic devices essential to obtaining or retaining employment;

and

d. other necessary medical or medically related services.

7. "Rehabilitation facility" means a facility, operated for the principal purpose of assisting in the rehabilitation of handicapped persons and

a. provides one or more than one of the following types of services:

1. prevocational or conditioning therapy;

2. adjustment training;

3. testing, fitting or training in the use of prosthetic devices;

4. physical or occupational therapy;

5. evaluation, treatment or control of special disabilities; or

b. through which is provided an integrated program of medical, psychological, social and vocational evaluation and services under appropriate professional supervision, provided that the major portion of such evaluation and services is furnished within the facility, and that all medical and related health services are prescribed by and are under the supervision of persons licensed to practice medicine in the state.

8. "Workshop" means a place where any manufacture or handiwork is carried on and which is operated for the principle purpose of providing gainful employment to severely handicapped persons (a) as an interim step in the rehabilitation process for those who cannot be absorbed in the competitive labor market; or (b) during such time as employment opportunities for them in the competitive labor market do not exist.

9. "Establishment of a workshop" or "rehabilitation facility" means:

a. In the case of a workshop, the expansion, remodeling, or alteration

of existing buildings, necessary to adapt such buildings to workshop purposes or to increase the employment opportunities in workshops, and the acquisition of initial equipment necessary for new workshops or to increase the employment opportunities in workshops; and

b. In the case of a rehabilitation facility, the expansion, remodeling, or alteration of existing buildings, and initial equipment of such buildings, necessary to adapt such buildings to rehabilitation facility purposes or to increase their effectiveness for such purposes and initial staffing thereof for a period not exceeding one year.

10. With respect to the construction of workshops and rehabilitation facilities, the following definitions shall apply:

a. "Construction" includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered or renovated buildings;

b. The "cost" of construction may include the cost of architects' fees and acquisition of land in connection with construction, but does not include the cost of offsite improvements.

c. A "project for construction of a workshop" may include provisions for residential accommodations to be used by and in conjunction with the rehabilitation of categories of handicapped individuals as may be hereafter designated.

11. "Supported employment" means paid competitive work performed by individuals with severe disabilities who require intensive support services to obtain such employment and extended support to sustain such employment, and which is performed in an integrated setting which provides regular interactions with individuals who do not have disabilities, other than paid caregivers.

12. "Supported employment services" means support services needed by individuals with severe disabilities to obtain and sustain supported

employment. Such term shall also include transitional employment services for individuals with severe and persistent mental illness, as defined by the commissioner in consultation with the commissioner of the office of mental health.

13. "Paid competitive work", as used in the definition of supported employment pursuant to subdivision eleven of this section means work that is performed on a full-time or part-time basis, with a minimum expectation of averaging at least twenty hours per week as an employment goal, except that such requirement may be waived for good cause by the commissioner, and for which an individual is compensated in accordance with the federal fair labor standards act and the state department of labor wage and hour regulations.

14. "Individuals with severe disabilities" means persons for whom competitive employment has either not traditionally occurred or has been interrupted or intermittent as a result of having a permanent and substantially disabling physical, sensory, or mental condition.