
HOUSE BILL 1160

State of Washington

52nd Legislature

1991 Regular Session

By Representatives Cole, Jacobsen, Franklin and Rayburn.

Read first time January 21, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to vocational rehabilitation counselors for
2 industrial insurance; adding a new section to chapter 51.36 RCW; and
3 declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.36 RCW
6 to read as follows:

7 (1) Contracts entered into between the department and providers who
8 are offering vocational rehabilitation services to injured workers
9 shall be subject to the following:

10 (a) No contract shall be awarded for a period of more than two
11 years, except that the department may extend a contract once for a
12 period of no more than one year.

1 (b) Contracts may be awarded only to providers who have been
2 selected through a fair and objective competitive process, which shall
3 include:

4 (i) A procedure for protest and protest resolution prior to an
5 award;

6 (ii) Evaluation of providers using the criteria in subsection
7 (2)(b) of this section based on performance under previous contracts
8 with the department, if any. However, no unfair advantage may be given
9 to providers previously under contract with the department;

10 (iii) Selection criteria that gives credit for service capacity and
11 the use of alternative or innovative service delivery methods. An
12 evaluation of service capacity and service delivery methods of
13 providers not previously under contract shall equate to an evaluation
14 of performance under contract of previously contracted providers; and

15 (iv) Selection criteria that:

16 (A) Emphasizes professional rehabilitation staff qualifications and
17 professional credentials of traditional staff, which include vocational
18 rehabilitation counselor supervisors, vocational rehabilitation
19 counselors, and vocational rehabilitation interns. Rating of staff
20 credentials shall be based on the staff's education, experience,
21 professional credentials, skills, and references in the field of
22 vocational rehabilitation, and shall be weighted to result in higher
23 ratings for more highly qualified vocational rehabilitation staff.
24 Standards for vocational rehabilitation supervisors shall include the
25 certified rehabilitation counselor or the certified insurance
26 rehabilitation specialist credential, or both, or the equivalent
27 credentials from a nationally recognized and accredited organization;
28 and

29 (B) Includes a rating of nontraditional staff credentials based on
30 the staff's education, experience, professional credentials, skills,

1 and references in fields related to vocational rehabilitation,
2 including but not limited to ergonomics, psychological testing, job
3 site modification, job restructuring, job analysis, work evaluation,
4 and job placement.

5 (2)(a) By July 1, 1991, the department shall evaluate the
6 performance of all vocational rehabilitation providers offering
7 services to injured workers insured by the state fund. Providers shall
8 be ranked from best performers to worst performers by geographic area.
9 Each provider or providers ranking as the worst performer or performers
10 in that geographic area shall be required to compete, under the
11 selection process required in subsection (1)(b) of this section, for a
12 new contract that shall take effect not later than January 1, 1992.
13 All contracts awarded on or after January 1, 1992, shall be awarded
14 only under the competitive selection process required in subsection
15 (1)(b) of this section. The expiration dates of contracts within
16 geographic areas shall be staggered so that a competitive selection
17 process will be required at least once each year in each area.

18 (b) The performance evaluation of providers under (a) of this
19 subsection shall include:

20 (i) Cost to the medical aid fund attributable to the provider,
21 including fees paid to other providers at the request of the provider
22 under evaluation;

23 (ii) Cost to the accident fund, including compensation under RCW
24 51.32.090 and 51.32.095(3) that is paid during the time vocational
25 rehabilitation services are provided;

26 (iii) Cost to the second injury fund from approved job site
27 modifications;

28 (iv) Length of services provided, from the time of referral to the
29 date of issuance of the closing report;

30 (v) Ratio of plan development referrals to completed plans;

1 (vi) The outcome of the claim at the time of closure of services
2 which identifies the injured worker as employable, returned to work, or
3 other, and a follow-up outcome that measures return to work;

4 (vii) The ability of the provider and the provider's staff to
5 comply with this chapter and the rules adopted under this chapter;

6 (viii) The adequacy of the provider's facilities;

7 (ix) Compliance with performance criteria stated in the provider's
8 contract;

9 (x) An evaluation of staff retention, not to exceed the average
10 case retention time;

11 (xi) An evaluation of staffing patterns, including the provider's
12 maintenance of professional qualifications, availability of qualified
13 supervisory staff, and the availability of a full-time registered
14 vocational rehabilitation counselor in the contracted service area;

15 (xii) A review of the number and nature of corrective actions taken
16 against the provider; and

17 (xiii) A review of consumer surveys, which shall be developed by
18 the department to document the level of satisfaction of injured workers
19 and employers with the services offered by the provider.

20 (3) The department shall compile and maintain the following records
21 on providers who contract with the state fund:

22 (a) Statistics on staff retention by providers;

23 (b) Staffing patterns experienced by providers; and

24 (c) Results of consumer surveys developed under subsection
25 (2)(b)(xiii) of this section.

26 (4) The department's competitive process for selecting vocational
27 rehabilitation providers implemented under subsection (1)(b) of this
28 section shall be reviewed annually by the office of financial
29 management. The review shall include evaluation of protests submitted
30 by providers during the selection process. The office of financial

1 management shall report its findings and recommendations to the
2 commerce and labor committees of the senate and the house of
3 representatives, or appropriate successor committees, by January 1,
4 1993, and each January 1 thereafter.

5 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
6 preservation of the public peace, health, or safety, or support of the
7 state government and its existing public institutions, and shall take
8 effect immediately.