

2 SHB 2614 - S AMD - 000281

3 By Senator Prentice

4 RULED BEYOND SCOPE AND OBJECT 3/1/94

5 On page 4, after line 7, insert the following:

6 "Sec. 2. RCW 51.32.095 and 1988 c 161 s 9 are each amended to read
7 as follows:

8 (1) One of the primary purposes of this title is to enable the
9 injured worker to become employable at gainful employment. To this
10 end, the department or self-insurers shall utilize the services of
11 individuals and organizations, public or private, whose experience,
12 training, and interests in vocational rehabilitation and retraining
13 qualify them to lend expert assistance to the supervisor of industrial
14 insurance in such programs of vocational rehabilitation as may be
15 reasonable to make the worker employable consistent with his or her
16 physical and mental status. Where, after evaluation and recommendation
17 by such individuals or organizations (~~and prior to final evaluation of~~
18 ~~the worker's permanent disability~~) and in the sole opinion of the
19 supervisor or supervisor's designee, whether or not medical treatment
20 has been concluded, vocational rehabilitation is both necessary and
21 likely to enable the injured worker to become employable at gainful
22 employment, the supervisor or supervisor's designee may, in his or her
23 sole discretion, pay or, if the employer is a self-insurer, direct the
24 self-insurer to pay the cost as provided in subsection (3) of this
25 section.

26 (2) When in the sole discretion of the supervisor or the
27 supervisor's designee vocational rehabilitation is both necessary and
28 likely to make the worker employable at gainful employment, then the
29 following order of priorities shall be used:

30 (a) Return to the previous job with the same employer;

31 (b) Modification of the previous job with the same employer
32 including transitional return to work;

33 (c) A new job with the same employer in keeping with any
34 limitations or restrictions;

35 (d) Modification of a new job with the same employer including
36 transitional return to work;

- 1 (e) Modification of the previous job with a new employer;
2 (f) A new job with a new employer or self-employment based upon
3 transferable skills;
4 (g) Modification of a new job with a new employer;
5 (h) A new job with a new employer or self-employment involving on-
6 the-job training;
7 (i) Short-term retraining and job placement.

8 (3) Costs for vocational rehabilitation benefits allowed by the
9 supervisor or supervisor's designee under subsection (1) of this
10 section may include the cost of books, tuition, fees, supplies,
11 equipment, (~~transportation, child or dependent care,~~) and other
12 necessary expenses for any such worker in an amount not to exceed
13 (~~three thousand dollars~~) one hundred fifty-five percent of the
14 average monthly wage in the state on the date of injury as computed
15 under RCW 51.08.018 in any fifty-two week period, ((and)) the cost of
16 continuing the temporary total disability compensation under RCW
17 51.32.090 while the worker is actively and successfully undergoing a
18 formal program of vocational rehabilitation, and the cost of
19 transportation and of child or dependent care related to the worker's
20 participation in the vocational rehabilitation program. Such expenses
21 may include training fees for on-the-job training and the cost of
22 furnishing tools and other equipment necessary for self-employment or
23 reemployment(~~(: PROVIDED, That such)~~). The department shall establish
24 by rule allowable reimbursement rates for mileage and either child or
25 dependent care, or both. The compensation or payment of retraining
26 with job placement expenses authorized under this section may not be
27 authorized for a period of more than fifty-two weeks((: PROVIDED
28 FURTHER, That such)). However, this period may, in the sole discretion
29 of the supervisor after his or her review, be extended for an
30 additional fifty-two weeks or portion thereof by written order of the
31 supervisor.

32 In cases where the worker is required to reside away from his or
33 her customary residence, the reasonable cost of board and lodging shall
34 also be paid. (~~Said~~) The costs shall be chargeable to the employer's
35 cost experience or shall be paid by the self-insurer as the case may
36 be.

37 (4) The department shall establish criteria to monitor the quality
38 and effectiveness of rehabilitation services provided by the
39 individuals and organizations used under subsection (1) of this

1 section. The state fund shall make referrals for vocational
2 rehabilitation services based on these performance criteria.
3 Organizations to which referrals are made may include administrative
4 entities of service delivery areas as established under the federal job
5 training partnership act if the entities meet minimum standards
6 established by the department.

7 (5) The department shall engage in, where feasible and cost-
8 effective, a cooperative program with the state employment security
9 department to provide job placement services under this section.

10 (6) The benefits in this section shall be provided for the injured
11 workers of self-insured employers. Self-insurers shall report both
12 benefits provided and benefits denied under this section in the manner
13 prescribed by the department by rule adopted under chapter 34.05 RCW.
14 The director may, in his or her sole discretion and upon his or her own
15 initiative or at any time that a dispute arises under this section,
16 promptly make such inquiries as circumstances require and take such
17 other action as he or she considers will properly determine the matter
18 and protect the rights of the parties.

19 (7) The benefits provided for in this section are available to any
20 otherwise eligible worker regardless of the date of industrial injury.
21 However, claims shall not be reopened solely for vocational
22 rehabilitation purposes.

23 NEW SECTION. Sec. 3. A new section is added to chapter 51.12 RCW
24 to read as follows:

25 A person who provides rehabilitation for injured workers in the
26 form of on-the-job training or transitional work under this title may
27 elect coverage under this title for the injured workers receiving the
28 services, regardless of whether the person providing the services pays
29 wages to the workers for the on-the-job training or transitional work
30 program. RCW 51.16.120(3) shall apply to the workers for whom
31 coverage has been elected as authorized in this section. For the
32 purposes of this section, "person" means an individual, firm,
33 corporation, partnership, trust, legal representative, or other legal
34 entity.

35 NEW SECTION. Sec. 4. Sections 2 and 3 of this act apply to
36 vocational rehabilitation plans started on or after the effective date
37 of this section."

1 **SHB 2614** - S AMD
2 By Senator Prentice

3

4 On page 1, line 1 of the title, after "employers;" strike the
5 remainder of the title and insert "amending RCW 51.32.055 and
6 51.32.095; adding a new section to chapter 51.12 RCW; and creating a
7 new section."

--- END ---