
HOUSE BILL 1653

State of Washington 53rd Legislature 1993 Regular Session

By Representatives King, Lisk, G. Cole and Fuhrman

Read first time 02/05/93. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to vocational rehabilitation in industrial
2 insurance; amending RCW 51.32.095; and adding a new section to chapter
3 51.12 RCW.

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

5 **Sec. 1.** RCW 51.32.095 and 1988 c 161 s 9 are each amended to read
6 as follows:

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

1 likely to enable the injured worker to become employable at gainful
2 employment, the supervisor or supervisor's designee may, in his or her
3 sole discretion, pay or, if the employer is a self-insurer, direct the
4 self-insurer to pay the cost as provided in subsection (3) of this
5 section.

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

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

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

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

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

17 (e) Modification of the previous job with a new employer;

18 (f) A new job with a new employer or self-employment based upon
19 transferable skills;

20 (g) Modification of a new job with a new employer;

21 (h) A new job with a new employer or self-employment involving on-
22 the-job training;

23 (i) Short-term retraining and job placement.

24 (3)(a) Costs for vocational rehabilitation benefits allowed by the
25 supervisor or supervisor's designee under subsection (1) of this
26 section may include the cost of books, tuition, fees, supplies,
27 equipment, (~~transportation, child or dependent care,~~) and other
28 necessary expenses for any such worker in an amount not to exceed
29 (~~three thousand dollars~~) one hundred fifty-five percent of the
30 average monthly wage in the state as computed under RCW 51.08.018 in
31 any fifty-two week period, (~~and~~) the cost of continuing the temporary
32 total disability compensation under RCW 51.32.090 while the worker is
33 actively and successfully undergoing a formal program of vocational
34 rehabilitation, and the cost of transportation and of child or
35 dependent care related to the worker's participation in the vocational
36 rehabilitation program. Such expenses may include training fees for
37 on-the-job training and the cost of furnishing tools and other
38 equipment necessary for self-employment or reemployment(~~PROVIDED,~~
39 ~~That such~~)). The department shall establish by rule allowable

1 reimbursement rates for mileage and either child or dependent care, or
2 both. The compensation or payment of retraining with job placement
3 expenses authorized under this section may not be authorized for a
4 period of more than fifty-two weeks(~~(:—PROVIDED FURTHER, That such)~~).
5 However, this period may, in the sole discretion of the supervisor
6 after his or her review, be extended for an additional fifty-two weeks
7 or portion thereof by written order of the supervisor.

8 (b) In cases where the worker is required to reside away from his
9 or her customary residence, the reasonable cost of board and lodging
10 shall also be paid. ((Said)) The costs shall be chargeable to the
11 employer's cost experience or shall be paid by the self-insurer as the
12 case may be.

13 (4) The department shall establish criteria to monitor the quality
14 and effectiveness of rehabilitation services provided by the
15 individuals and organizations used under subsection (1) of this
16 section. The state fund shall make referrals for vocational
17 rehabilitation services based on these performance criteria.

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

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

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

34 NEW SECTION. Sec. 2. A new section is added to chapter 51.12 RCW
35 to read as follows:

36 A person who provides rehabilitation for injured workers in the
37 form of on-the-job training or work hardening under this title may
38 elect coverage under this title for the injured workers receiving the

1 services, regardless of whether the person providing the services pays
2 wages to the workers for the on-the-job training or work hardening
3 program. For the purposes of this section, "person" means an
4 individual, firm, corporation, partnership, trust, legal
5 representative, or other legal entity.

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