

2 SSB 6112 - S AMD - 055  
3 By Senators Wojahn and Pelz

4 ADOPTED 2/7/96

5 Strike everything after the enacting clause and insert the  
6 following:

7 "Sec. 1. RCW 51.32.095 and 1988 c 161 s 9 are each amended to read  
8 as follows:

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

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

- 31 (a) Return to the previous job with the same employer;  
32 (b) Modification of the previous job with the same employer  
33 including transitional return to work;  
34 (c) A new job with the same employer in keeping with any  
35 limitations or restrictions;

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

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

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

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

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

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

10 (3) Costs for vocational rehabilitation benefits allowed by the  
11 supervisor or supervisor's designee under subsection (1) of this  
12 section may include the cost of books, tuition, fees, supplies,  
13 equipment, transportation, child or dependent care, and other necessary  
14 expenses for any such worker in an amount not to exceed three thousand  
15 dollars in any fifty-two week period, except as authorized by section  
16 2 of this act, and the cost of continuing the temporary total  
17 disability compensation under RCW 51.32.090 while the worker is  
18 actively and successfully undergoing a formal program of vocational  
19 rehabilitation. Such expenses may include training fees for on-the-job  
20 training and the cost of furnishing tools and other equipment necessary  
21 for self-employment or reemployment: PROVIDED, That such compensation  
22 or payment of retraining with job placement expenses may not be  
23 authorized for a period of more than fifty-two weeks: PROVIDED  
24 FURTHER, That such period may, in the sole discretion of the supervisor  
25 after his or her review, be extended for an additional fifty-two weeks  
26 or portion thereof by written order of the supervisor.

27 In cases where the worker is required to reside away from his or  
28 her customary residence, the reasonable cost of board and lodging shall  
29 also be paid. Said costs shall be chargeable to the employer's cost  
30 experience or shall be paid by the self-insurer as the case may be.

31 (4) The department shall establish criteria to monitor the quality  
32 and effectiveness of rehabilitation services provided by the  
33 individuals and organizations used under subsection (1) of this  
34 section. The state fund shall make referrals for vocational  
35 rehabilitation services based on these performance criteria.

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

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

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.32  
15 RCW to read as follows:

16 For claims filed after July 1, 1996, costs for vocational  
17 rehabilitation benefits allowed by the supervisor or supervisor's  
18 designee under subsection (1) of this section may include the cost of  
19 books, tuition, fees, supplies, equipment, transportation, child or  
20 dependent care, and other necessary expenses for any such worker in an  
21 amount not to exceed five thousand dollars in any fifty-two week  
22 period, and the cost of continuing the temporary total disability  
23 compensation under RCW 51.32.090 while the worker is actively and  
24 successfully undergoing a formal program of vocational rehabilitation.  
25 Such expenses may include training fees for on-the-job training and the  
26 cost of furnishing tools and other equipment necessary for self-  
27 employment or reemployment: PROVIDED, That such compensation or  
28 payment of retraining with job placement expenses may not be authorized  
29 for a period of more than fifty-two weeks: PROVIDED FURTHER, That such  
30 period may, in the sole discretion of the supervisor after his or her  
31 review, be extended for an additional fifty-two weeks or portion  
32 thereof by written order of the supervisor.

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

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4 On page 1, line 2 of the title, after "benefits;" strike "and"

5 On page 1, line 2 of the title, after "RCW 51.32.095" insert "; and  
6 adding a section to chapter 51.32 RCW"

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