

# HOUSE BILL REPORT

## HB 2084

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**As Passed House**

March 15, 1997

**Title:** An act relating to vocational rehabilitation.

**Brief Description:** Regulating vocational rehabilitation benefits.

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives Cole and McMorris).

**Brief History:**

**Committee Activity:**

Commerce & Labor: 2/26/97, 3/3/97 [DP].

**Floor Activity:**

Passed House: 3/15/97, 96-0.

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### HOUSE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** Do pass. Signed by 9 members: Representatives McMorris, Chairman; Honeyford, Vice Chairman; Conway, Ranking Minority Member; Wood, Assistant Ranking Minority Member; Boldt; Clements; Cole; Hatfield and Lisk.

**Staff:** Chris Cordes (786-7103).

**Background:** The Department of Labor and Industries is authorized to pay, and may direct self-insured employers to pay, the costs of vocational rehabilitation services for injured workers when these services are necessary and likely to enable the injured worker to become employable at gainful employment. These costs are limited to \$3,000 in a 52-week period and include the cost of books, tuition, fees, supplies, equipment, transportation, child or dependent care, and other necessary expenses. The department may extend the period of benefits for an additional 52 weeks.

As part of a vocational rehabilitation plan, a worker may participate in unpaid on-the-job training or transition return-to-work training. The department does not consider this activity to be "employment." Under the industrial insurance act, if the activity was "employment" excluded from coverage, the employer would be permitted to elect coverage by filing a written notice with the department.

Special department rules apply when an injured worker suffers further injury in covered employment. Under these rules, the department may reduce or eliminate premiums or charges against the injured worker's subsequent employer.

**Summary of Bill:** The amount that the Department of Labor and Industries may spend in a 52-week period for an injured worker's vocational rehabilitation benefits is increased from \$3,000 to \$3,750.

A person who provides on-the-job training or transitional return to work rehabilitation for injured workers may elect to cover these workers under industrial insurance, regardless of whether the person pays a wage to the workers. The department's rules that reduce or eliminate premiums or charges against employers in the case of further injury to injured workers apply to workers for whom coverage has been elected under this new authority.

**Appropriation:** None.

**Fiscal Note:** Requested on February 22, 1997.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The cap on vocational rehabilitation benefits for injured workers has not been increased in many years, while tuition has increased 142 percent during that time. The \$3,000 current cap does not cover training that injured workers need, especially when transportation costs are high. Although this bill provides a needed increase in vocational rehabilitation benefits, it does not go far enough. There are other problems in the system that need to be addressed before injured workers will get services that are really needed. The labor-management advisory committee working on this issue expects to have recommendations ready for improving the entire vocational rehabilitation program by next session.

**Testimony Against:** None.

**Testified:** (In support) Cathy Cottingham, NARRPS Management Group; and Patrick Broulette. (With concerns) Wayne Lieb, Washington State Trial Lawyers Association; and Robby Stern, Washington State Labor Council.