

# SENATE BILL REPORT

## HB 1726

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As Reported by Senate Committee On:  
Labor, Commerce & Consumer Protection, March 14, 2011

**Title:** An act relating to recommendations of the vocational rehabilitation subcommittee for workers' compensation.

**Brief Description:** Addressing the recommendations of the vocational rehabilitation subcommittee for workers' compensation.

**Sponsors:** Representatives Sells, Roberts, Ormsby, Reykdal, Kenney, Miloscia, Moeller and Upthegrove; by request of Department of Labor & Industries.

**Brief History:** Passed House: 3/05/11, 96-1.

**Committee Activity:** Labor, Commerce & Consumer Protection: 3/14/11 [DP].

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### SENATE COMMITTEE ON LABOR, COMMERCE & CONSUMER PROTECTION

**Majority Report:** Do pass.

Signed by Senators Kohl-Welles, Chair; Conway, Vice Chair; Holmquist Newbry, Ranking Minority Member; King, Assistant Ranking Minority Member; Hewitt, Keiser and Kline.

**Staff:** Mac Nicholson (786-7445)

**Background:** Injured workers are eligible for vocational rehabilitation benefits when they cannot return to their old job due to the effects of their injury, and they lack the training or skills for a different job to become employable. Vocational benefits are discretionary, and the Department of Labor and Industry (L&I) will notify the worker and the employer of benefit eligibility. Upon receipt of vocational benefit eligibility notice, the injured worker has 90 days to develop and submit a training plan to L&I, and the employer has 15 days to offer the injured worker a job. Time-loss benefits and vocational plan development services will stop if the employer makes a valid job offer during the 15 day period.

A vocational retraining plan includes a job goal based on the workers skills, interests, and medically documented limitations. L&I has 15 days to approve or reject a submitted vocational plan, and if approved, the worker has 15 days to decide one of two options:

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1. The injured worker continues ahead with the approved vocational plan. The worker will continue to receive time-loss and medical benefits during vocational training as long as the worker actively participates in the plan and meets plan requirements.
2. The injured worker receives a vocational award in an amount equal to six months of time-loss and the claim is closed. The injured worker may pursue a retraining goal or program different than the one approved by L&I. Vocational funds will be available to the worker with some limitation for up to five years. Vocational funds can be used for tuition or training at L&I approved institutions or programs.

**Summary of Bill:** An injured worker who has suffered the loss, or complete use of, two major limbs or eyesight may receive vocational services if the services will substantially improve the worker's quality of life or ability to function in an employment setting, regardless of whether the services are necessary or reasonably likely to make the worker employable. Workers who have suffered the loss, or complete use of, two major limbs or eyesight are not eligible for option 2 benefits.

The 15 day window during which a worker may elect which vocational benefit to choose begins when the plan is submitted or when an eligibility determination is made in response to a dispute of a vocational decision. L&I may extend the 15 day window to 25 days if the worker submits a written statement explaining the inability to meet the 15 day deadline.

An employer may be granted an additional ten days to make a valid job offer upon receiving notice of vocational benefit eligibility if the employer made a job offer within 15 days that didn't fully meet the requirements to be considered valid.

A worker who elects option 2 is not entitled to further time-loss or pension benefits except upon a showing of a worsening of the condition that makes claim closure inappropriate. Any option 2 benefits received will be assessed as an overpayment if the claim is re-opened.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: This bill has support of both business and labor groups on the vocational rehabilitation committee.

**Persons Testifying:** PRO: Vickie Kennedy, L&I.