
HOUSE BILL 2765

State of Washington 52nd Legislature 1992 Regular Session

By Representatives R. King and Prentice

Read first time 01/27/92. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to costs of transportation and child and dependent
2 care for industrial insurance vocational rehabilitation; and amending
3 RCW 51.32.095.

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

1 physical and mental status. Where, after evaluation and recommendation
2 by such individuals or organizations and prior to final evaluation of
3 the worker's permanent disability and in the sole opinion of the
4 supervisor or supervisor's designee, whether or not medical treatment
5 has been concluded, vocational rehabilitation is both necessary and
6 likely to enable the injured worker to become employable at gainful
7 employment, the supervisor or supervisor's designee may, in his or her
8 sole discretion, pay or, if the employer is a self-insurer, direct the
9 self-insurer to pay the cost as provided in subsection (3) of this
10 section.

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

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

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

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

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

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

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

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

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

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

29 (3) (a) Costs for vocational rehabilitation benefits allowed by the
30 supervisor or supervisor's designee under subsection (1) of this

1 section may include the cost of books, tuition, fees, supplies,
2 equipment, (~~(transportation, child or dependent care,~~) and other
3 necessary expenses for any such worker in an amount not to exceed three
4 thousand dollars in any fifty-two week period, and the cost of
5 continuing the temporary total disability compensation under RCW
6 51.32.090 while the worker is actively and successfully undergoing a
7 formal program of vocational rehabilitation, and the cost of
8 transportation and child or dependent care related to the worker's
9 participation in the vocational rehabilitation program. Such expenses
10 may include training fees for on-the-job training and the cost of
11 furnishing tools and other equipment necessary for self-employment or
12 reemployment: PROVIDED, That such compensation or payment of
13 retraining with job placement expenses may not be authorized for a
14 period of more than fifty-two weeks: PROVIDED FURTHER, That such
15 period may, in the sole discretion of the supervisor after his or her
16 review, be extended for an additional fifty-two weeks or portion
17 thereof by written order of the supervisor.

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

23 (4) The department shall establish criteria to monitor the quality
24 and effectiveness of rehabilitation services provided by the
25 individuals and organizations used under subsection (1) of this
26 section. The state fund shall make referrals for vocational
27 rehabilitation services based on these performance criteria.

28 (5) The department shall engage in, where feasible and cost-
29 effective, a cooperative program with the state employment security
30 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.