
HOUSE BILL 2496

State of Washington

54th Legislature

1996 Regular Session

By Representatives McMorris, Romero, Conway and Cody; by request of Department of Labor & Industries

Read first time 01/11/96. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to providing flexibility for vocational
2 rehabilitation benefits within the long-term disability pilot projects;
3 amending RCW 51.32.095; and adding a new section to chapter 51.60 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) 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 necessary
28 expenses for any such worker in an amount not to exceed three thousand
29 dollars in any fifty-two week period except as authorized by section 2
30 of this act, and the cost of continuing the temporary total disability
31 compensation under RCW 51.32.090 while the worker is actively and
32 successfully undergoing a formal program of vocational rehabilitation.
33 Such expenses may include training fees for on-the-job training and the
34 cost of furnishing tools and other equipment necessary for self-
35 employment or reemployment: PROVIDED, That such compensation or
36 payment of retraining with job placement expenses may not be authorized
37 for a period of more than fifty-two weeks: PROVIDED FURTHER, That such
38 period may, in the sole discretion of the supervisor after his or her

1 review, be extended for an additional fifty-two weeks or portion
2 thereof by written order of the supervisor.

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

7 (4) The department shall establish criteria to monitor the quality
8 and effectiveness of rehabilitation services provided by the
9 individuals and organizations used under subsection (1) of this
10 section. The state fund shall make referrals for vocational
11 rehabilitation services based on these performance criteria.

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

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

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

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.60 RCW
29 to read as follows:

30 The limitation on the expenditure of three thousand dollars in any
31 fifty-two week period established in RCW 51.32.095 shall not apply to
32 the provision of vocational rehabilitation to workers in either long-
33 term disability pilot project and the supervisor may at any time, in
34 the supervisor's sole discretion, authorize the expenditure of a sum
35 not to exceed six thousand dollars, exclusive of child care and travel,

1 for the costs of vocational rehabilitation, including on-the-job
2 training.

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