
HOUSE BILL 2084

State of Washington

55th Legislature

1997 Regular Session

By Representatives Cole and McMorris

Read first time 02/19/97. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to vocational rehabilitation; reenacting and
2 amending RCW 51.32.095; and adding a new section to chapter 51.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 51.32.095 and 1996 c 151 s 1 and 1996 c 59 s 1 are
5 each reenacted and amended to read as follows:

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

1 employment, the supervisor or supervisor's designee may, in his or her
2 sole discretion, pay or, if the employer is a self-insurer, direct the
3 self-insurer to pay the cost as provided in subsection (3) of this
4 section.

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

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

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

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

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

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

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

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

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

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

23 (3) Costs for vocational rehabilitation benefits allowed by the
24 supervisor or supervisor's designee under subsection (1) of this
25 section may include the cost of books, tuition, fees, supplies,
26 equipment, transportation, child or dependent care, and other necessary
27 expenses for any such worker in an amount not to exceed three thousand
28 seven hundred fifty dollars in any fifty-two week period except as
29 authorized by RCW 51.60.060, and the cost of continuing the temporary
30 total disability compensation under RCW 51.32.090 while the worker is
31 actively and successfully undergoing a formal program of vocational
32 rehabilitation. Such expenses may include training fees for on-the-job
33 training and the cost of furnishing tools and other equipment necessary
34 for self-employment or reemployment(~~(:—PROVIDED, That such)~~). The
35 compensation or payment of retraining with job placement expenses
36 authorized under this section may not be authorized for a period of
37 more than fifty-two weeks(~~(:—PROVIDED FURTHER, That such)~~). However,
38 this period may, in the sole discretion of the supervisor after his or
39 her review, be extended for an additional fifty-two weeks or portion

1 thereof by written order of the supervisor or the supervisor's
2 designee.

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) In addition to the vocational rehabilitation expenditures
8 provided for under subsection (3) of this section, an additional five
9 thousand dollars may, upon authorization of the supervisor or the
10 supervisor's designee, be expended for: (a) Accommodations for an
11 injured worker that are medically necessary for the worker to
12 participate in an approved retraining plan; and (b) accommodations
13 necessary to perform the essential functions of an occupation in which
14 an injured worker is seeking employment, consistent with the retraining
15 plan or the recommendations of a vocational evaluation. The injured
16 worker's attending physician must verify the necessity of the
17 modifications or accommodations. The total expenditures authorized in
18 this subsection and the expenditures authorized under RCW 51.32.250
19 shall not exceed five thousand dollars.

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

25 (6) The department shall engage in, where feasible and cost-
26 effective, a cooperative program with the state employment security
27 department to provide job placement services under this section.

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

37 (8) The benefits provided for in this section are available to any
38 otherwise eligible worker regardless of the date of industrial injury.

1 However, claims shall not be reopened solely for vocational
2 rehabilitation purposes.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.12 RCW
4 to read as follows:

5 A person who provides rehabilitation for injured workers in the
6 form of on-the-job training or transitional return to work under this
7 title may elect coverage under this title for injured workers receiving
8 services, regardless of whether the person providing the services pays
9 wages to the workers for on-the-job training or a transitional work
10 program. RCW 51.16.120(3) applies to the workers for whom coverage has
11 been elected as authorized in this section. For the purposes of this
12 section, "person" means an individual, firm, corporation, partnership,
13 trust, legal representative, or other legal entity.

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