

WAC 296-849-12050 Medical removal.

IMPORTANT:

This section applies when an employee is referred to a hematologist or an internist for follow-up medical examination and evaluation required in Table 5, Medical follow-up requirements found in Medical evaluations, WAC 296-849-12030.

(1) You must remove the employee from areas where benzene exposure is above the action level (AL) by doing either of the following:

(a) Transfer the employee to a job currently available that:

(i) The employee qualifies for, or could be trained for in a short period of time;

AND

(ii) Will keep the employee's exposure to benzene as low as possible and never above the AL;

OR

(b) Remove the employee from the workplace until either:

(i) A job becomes available that:

■ The employee qualifies for, or could be trained for in a short period of time;

AND

■ Will keep the employee's exposure to benzene as low as possible and never above the AL;

OR

(ii) The employee is returned to work or permanently removed from benzene exposure as determined by completing the medical evaluation process for removed employees.

(2) You must maintain the employee's current pay rate, seniority, and other benefits.

Note: If you must provide medical removal benefits and the employee will receive compensation for lost pay from other sources, you may reduce your medical removal benefit obligation to offset the amount provided by these sources. Examples of other sources are:

- Public or employer-funded compensation programs;
- Employment by another employer, made possible by the employee's removal.

(3) You must complete Steps 1 through 4 of the medical evaluation process for removed employees, **within six months** of the date the licensed health care professional (LHCP) refers an employee to a hematologist or internist for follow-up.

(a) Make sure all examinations and evaluations are provided at no cost to the employee.

(b) Make examinations and evaluations available at reasonable times and places;

AND

(c) Pay for travel costs and wages, including any time spent outside of the employee's normal work hours.

Medical evaluation process for removed employees:

Step 1: Make sure the following is provided to the hematologist or internist:

- The information you provided to the LHCP in Step 4 of Medical evaluations, WAC 296-849-12030;
- The employee's medical record as described in Medical records, WAC 296-849-12080.

Note: The examining LHCP may provide this information for you.

Step 2: Provide the employee an examination and evaluation by a hematologist or internist.

- When the examination and evaluation is completed, you and the employee must be informed, in writing, of the referring LHCP's decision to continue **or** end the employee's removal from benzene exposure.

- Include the following in the LHCP's decision if removal of the employee continues:
 - The expected time period for removal to continue;

AND

- Requirements for future medical examinations to review the decision.

- If the LHCP recommends the employee **end removal** and return to the usual job with benzene exposure, **skip Steps 3 and 4.**

Step 3: Provide further medical examination and evaluation to the employee when the LHCP's decision from Step 2 informs you that medical removal must continue.

Note:

- During this step the LHCP, in consultation with the hematologist or internist, decides whether the employee:
 - May return to their usual job;

OR

- Should be permanently removed from exposures that exceed the AL.
- If the LHCP recommends the employee return to their usual job, skip Step 4.

Step 4: When the LHCP recommends permanent removal for the employee, make sure all the following conditions are met:

- The employee has an opportunity to transfer to another job that is currently available (or will become available);
- The job is one the employee qualifies for, or could be trained for in a short period of time;
- There is no reduction in the employee's current pay rate, seniority, and other benefits;
- The employee's benzene exposures will be as low as possible, but never more than the AL.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 18-22-116, § 296-849-12050, filed 11/6/18, effective 12/7/18; WSR 05-01-172, § 296-849-12050, filed 12/21/04, effective 3/1/05.]