

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2147

Chapter 57, Laws of 2007

60th Legislature
2007 Regular Session

VOCATIONAL REHABILITATION--VOLUNTEER FIREFIGHTERS AND RESERVE
OFFICERS

EFFECTIVE DATE: 04/17/07

Passed by the House February 28, 2007
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 4, 2007
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved April 17, 2007, 9:35 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2147** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

April 17, 2007

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2147

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Kristiansen, Ericks, Chandler, Blake, Curtis, Morrell, Roberts, Hurst, Pearson, McCune, Moeller, B. Sullivan, Simpson, Santos, Ormsby, Newhouse and Kelley)

READ FIRST TIME 02/17/07.

1 AN ACT Relating to vocational rehabilitation services for volunteer
2 firefighters and reserve officers; adding a new section to chapter
3 41.24 RCW; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 41.24 RCW
6 to read as follows:

7 (1) One of the primary purposes of this section is to enable
8 injured participants to return to their regular occupation, business,
9 or profession, or to engage in any occupation or perform any work for
10 compensation or profit. To this end, the state board shall utilize the
11 services of individuals and organizations, public or private, whose
12 experience, training, and interests in vocational rehabilitation and
13 retraining qualify them to lend expert assistance to the state board in
14 such programs of vocational rehabilitation as may be reasonable to make
15 the participant return to his or her regular occupation, business, or
16 profession, or to engage in any occupation or perform any work for
17 compensation or profit consistent with his or her physical and mental
18 status. After evaluation and recommendation by such individuals or
19 organizations and prior to final evaluation of the participant's

1 permanent disability, if in the sole opinion of the state board,
2 whether or not medical treatment has been concluded, vocational
3 rehabilitation is both necessary and likely to enable the injured
4 participant to return to his or her regular occupation, business, or
5 profession, or to engage in any occupation or perform any work for
6 compensation or profit, the state board may, in its sole discretion,
7 pay the cost as provided in subsection (3) or (4) of this section.

8 (2) When, in the sole discretion of the state board, vocational
9 rehabilitation is both necessary and likely to make the participant
10 return to his or her regular occupation, business, or profession, or to
11 engage in any occupation or perform any work for compensation or
12 profit, then the following order of priorities shall be used:

- 13 (a) Return to the previous job with the same employer;
- 14 (b) Modification of the previous job with the same employer
15 including transitional return to work;
- 16 (c) A new job with the same employer in keeping with any
17 limitations or restrictions;
- 18 (d) Modification of a new job with the same employer including
19 transitional return to work;
- 20 (e) Modification of the previous job with a new employer;
- 21 (f) A new job with a new employer or self-employment based upon
22 transferable skills;
- 23 (g) Modification of a new job with a new employer;
- 24 (h) A new job with a new employer or self-employment involving
25 on-the-job training;
- 26 (i) Short-term retraining and job placement.

27 (3)(a) Except as provided in (b) of this subsection, costs for
28 vocational rehabilitation benefits allowed by the state board under
29 subsection (1) of this section may include the cost of books, tuition,
30 fees, supplies, equipment, transportation, child or dependent care, and
31 other necessary expenses in an amount not to exceed four thousand
32 dollars. This amount must be used within fifty-two weeks of the
33 determination that vocational rehabilitation is permitted under this
34 section.

35 (b) The expenses allowed under (a) of this subsection may include
36 training fees for on-the-job training and the cost of furnishing tools
37 and other equipment necessary for self-employment or reemployment.
38 However, compensation or payment of retraining with job placement

1 expenses under (a) of this subsection may not be authorized for a
2 period of more than fifty-two weeks, except that such period may, in
3 the sole discretion of the state board, after its review, be extended
4 for an additional fifty-two weeks or portion thereof by written order
5 of the state board. However, under no circumstances shall the total
6 amount of benefit paid under this section exceed four thousand dollars.

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 state board, be
10 expended for: (a) Accommodations for an injured participant that are
11 medically necessary for participation in an approved retraining plan;
12 and (b) accommodations necessary to perform the essential functions of
13 an occupation in which an injured participant is seeking employment,
14 consistent with the retraining plan or the recommendations of a
15 vocational evaluation. The injured participant's attending physician
16 or licensed advanced registered nurse practitioner must verify the
17 necessity of the modifications or accommodations. The total
18 expenditures authorized in this subsection shall not exceed five
19 thousand dollars.

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

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

29 (7) Except as otherwise provided in this section, the vocational
30 benefits provided for in this section are available to participants who
31 have claims currently pending as of the effective date of this section
32 or whose injury occurred on or after January 1, 2006.

33 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the
35 state government and its existing public institutions, and takes effect

1 immediately.

Passed by the House February 28, 2007.

Passed by the Senate April 4, 2007.

Approved by the Governor April 17, 2007.

Filed in Office of Secretary of State April 17, 2007.