

WAC 296-62-07627 Medical removal—Temporary medical removal of an employee. Temporary medical removal of an employee.

(1) Temporary removal resulting from occupational exposure. The employee must be removed from work environments in which exposure to MDA is at or above the action level or where dermal exposure to MDA may occur, following an initial examination (WAC 296-62-07625(2)), periodic examinations (WAC 296-62-07625(3)), an emergency situation (WAC 296-62-07625(4)), or an additional examination (WAC 296-62-07625(5)) in the following circumstances:

(a) When the employee exhibits signs and/or symptoms indicative of acute exposure to MDA; or

(b) When the examining physician determines that an employee's abnormal liver function tests are not associated with MDA exposure but that the abnormalities may be exacerbated as a result of occupational exposure to MDA.

(c) Temporary removal due to a final medical determination.

(i) The employer must remove an employee from work environments in which exposure to MDA is at or above the action level or where dermal exposure to MDA may occur, on each occasion that there is a final medical determination or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to MDA.

(ii) For the purposes of WAC 296-62-076, the phrase "final medical determination" shall mean the outcome of the physician review mechanism used pursuant to the medical surveillance provisions of this section.

(iii) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to MDA, the employer must implement and act consistent with the recommendation.

(2) Return of the employee to former job status.

(a) The employer must return an employee to their former job status:

(i) When the employee no longer shows signs or symptoms of exposure to MDA or upon the advice of the physician.

(ii) When a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to MDA.

(b) For the purposes of this section, the requirement that an employer return an employee to their former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(3) Removal of other employee special protective measure or limitations. The employer must remove any limitations placed on an employee, or end any special protective measures provided to an employee, pursuant to a final medical determination, when a subsequent final medical determination indicates that the limitations or special protective measures are no longer necessary.

(4) Employer options pending a final medical determination. Where the physician review mechanism used pursuant to the medical surveillance provisions of WAC 296-62-076, has not yet resulted in a final medical determination with respect to an employee, the employer must act as follows:

(a) Removal. The employer may remove the employee from exposure to MDA, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(b) Return. The employer may return the employee to their former job status, and end any special protective measures provided to the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions.

(i) If the initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(ii) If the employee has been on removal status for the preceding six months as a result of exposure to MDA, then the employer must await a final medical determination.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 19-01-094, § 296-62-07627, filed 12/18/18, effective 1/18/19. Statutory Authority: Chapter 49.17 RCW. WSR 93-04-111 (Order 92-15), § 296-62-07627, filed 2/3/93, effective 3/15/93.]