



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
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From: Sandy Dziedzic, Program Manager for Claims Administration

Subject: Temporarily medically unable to participate in private sector vocational services

This memorandum is meant to clarify situations where it may be appropriate to close vocational services due to the worker being temporarily medically not able to participate in vocational services.

Medically Unstable

For the purposes of this memorandum, the term "medically unstable" refers to any situation where medical documentation shows that the worker will not be released based on objective medical findings for participation in vocational services, and/or the worker will not be medically released for any kind of work, for at least 90 consecutive days. This may be due to accepted conditions, non-accepted conditions, or a combination of the two.

90 Consecutive Days

In general, a vocational referral should not be closed unless there is documentation that the worker will be medically unstable for at least 90 consecutive days. If referral closure is recommended by a VRC, the VRC should document what condition(s) are causing medical instability, and identify (if possible) when the worker may be able to participate again, based on medical documentation.

In addition, prior to closing a referral as medically unstable VRCs should report on all information required by WAC. In the case of an AWA referral, this may include, but is not limited to:

- Educational and work history.
- Occupational possibilities, including Job analysis and labor market survey information that may be reasonable when the worker becomes medically stable

Invalid reasons for referral closure due to medical instability

Following are some examples where closure of a vocational referral due to medical instability is not appropriate:

- Scheduling, conducting or waiting for the report of an Independent Medical Examination (IME)
- Participation in a pain management program
- Minor surgery where recovery is expected to take place in less than 90 days
- Participation in a physical therapy work hardening program

State fund adjudication process

If a VRC recommends referral closure due to medical instability the claim manager should check to make sure that the closure recommendation meets the criteria in this memorandum. The claim manager may request additional information from the VRC prior to entering the claim manager outcome on the referral.

Please remember, if the worker's medical condition is significant and physical limitations are severe and not expected to improve, a determination of "services not appropriate" may be in order.

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