



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The proposed rules provide clarity concerning Option 2 benefits for injured workers entitled to vocational training under Washington's workers' compensation system.

See attachment 1

Citation of existing rules affected by this order:

Repealed:
Amended:
Suspended:

Statutory authority for adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.32.099 and 51.32.0991 (Chapter 72, Laws of 2007 ESSB 5920).

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-18-100 on 09-01-09 (date).

Describe any changes other than editing from proposed to adopted version:

WAC 296-19A-610 added: Whenever the biweekly payments are made over a period that includes July 1, the amount of the payment(s) will include any cost-of-living adjustment.

WAC 296-19A-620 What are the vocational Option 2 training funds.

Removed the following language as unnecessary: ~~They can also view the current balance of funds through the department's on-line claim and account center.~~

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: 3-12-2010

NAME (TYPE OR PRINT)
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: March 12, 2010
TIME: 10:19 AM**

WSR 10-07-054

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>8</u>	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>8</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Attachment 1
CR103
Vocational Rehabilitation WAC 296-19A new sections
Option 2 Benefits

WAC 296-19A-600

How does an eligible injured worker elect vocational Option 2 benefits?

- Explains when the worker must choose option 2 benefits if electing option 2 benefits.
- Explains that the worker's claim will be closed when electing option 2 benefits and the worker will receive the option 2 award and access to option 2 training funds.

WAC 296-19A-610

What is a vocational Option 2 award?

- Explains how the Option 2 award is calculated.
- Explains the method of payment of the Option 2 award to the worker.
- Clarifies adjustments and deductions that can and cannot be made.

WAC 296-19A-620

What are the vocational Option 2 training funds?

- Explains when training funds are available to the worker and for what period.
- Clarifies what training programs Option 2 funds can be used.
- Explains basis for annual adjustment for available training funds.
- Explains that workers are notified by department order of training funds available.

WAC 296-19A-630

Can a worker change their option election?

- Explains time frame for changing election options.

WAC 296-19A-640

What costs cannot be paid from the vocational Option 2 training funds:

- Specifies what costs training funds cannot be used for.

WAC 296-19A-650

Is the vocational Option 2 award paid if the worker is confined in an institution and under sentence?

- Explains that the worker will not receive the option 2 award while incarcerated under sentence and when the department or self-insured employer will resume payment.

WAC 296-19A-660

Can a worker use the Option 2 training funds if confined in an institution and under sentence?

- Explains that Option 2 training funds are available while a worker is incarcerated under sentence upon application to the department of self-insurer.

WAC 296-19A-670

If a worker dies while receiving the vocational Option 2 award, will the award be paid to the worker's beneficiaries?

- Explains that the award is not payable to the worker's beneficiaries or estate.