



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Labor and Industries

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 15-16-096 ; or | <input checked="" type="checkbox"/> Original Notice       |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or           | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).                  | <input type="checkbox"/> Continuance of WSR _____         |

Title of rule and other identifying information: (Describe Subject) WAC 296-19A - Vocational Rehabilitation

Hearing location(s): Labor & Industries Building  
Auditorium  
7273 Linderson Way SW  
Tumwater, WA 98501

Date: October 27, 2015 Time: 1:00 p.m.

Date of intended adoption: November 17, 2015  
(Note: This is NOT the effective date)

**Submit written comments to:**

Name: Laurinda Grytness  
Address: PO Box 44329  
Olympia WA 98504-4329

e-mail [laurinda.grytness@lni.wa.gov](mailto:laurinda.grytness@lni.wa.gov)  
fax (360) 902-5035 by (date) October 27, 2015, 5:00 p.m.

Assistance for persons with disabilities: Contact  
L&I's Return to Work Partnerships Program by October 13, 2015  
TTY (360) 902-5797 or (360) 902-6741

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rules explain the vocational Option 2 benefits available to injured workers and outline the responsibilities of the department, self-insured employers, and vocational rehabilitation counselors in connection with Option 2. The rules, if adopted, clarify which workers are eligible for increased vocational Option 2 benefits. Eligible workers can receive a vocational Option 2 award equal to nine months of temporary total disability benefits, can use up to 10 percent of training funds for vocational assistance, and have a longer period of time to make their Option 2 selection. In addition, the proposed rules clarify that the highest priority is returning the injured worker to employment.

**Reasons supporting proposal:** Rulemaking is needed to implement Chapter 137, Laws of 2015 (SHB 1496).

**Statutory authority for adoption:** RCW 51.04.020, 51.04.030,  
Chapter 137, Laws of 2015 (SHB 1496)

**Statute being implemented:** Chapter 137, Laws of 2015 (SHB 1496)

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE  
09/22/2015

NAME (type or print)  
Joel Sacks

SIGNATURE

TITLE  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **September 22, 2015**

TIME: **9:44 AM**

**WSR 15-19-137**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

**Name of proponent:** (person or organization)

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Laurinda Grytness	Tumwater, WA	(360) 902-6362
Implementation....Mike Ratko	Tumwater, WA	(360) 902-6369
Enforcement..... Victoria Kennedy	Tumwater, WA	(360) 902-4997

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

A small business economic impact statement is not required because the rule is interpretative and adopts and incorporates without material change Chapter 137, Laws of 2015 (SHB 1496).

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: A cost benefit analysis is not required because the rule is interpretative and adopts and incorporates without material change Chapter 137, Laws of 2015 (SHB 1496).