



RULE-MAKING ORDER

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

Agency: Labor and Industries

Permanent Rule Only

Effective date of rule: February 19, 2106

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 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.

Citation of existing rules affected by this order:

Repealed: See Attachment 1
Amended: See Attachment 1
Suspended:

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

Other authority : None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 15-19-137 _____ on September 22, 2015 _____ (date).

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

The adopted version is the same as the proposed version; no changes were made.

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: January 19, 2016

NAME (TYPE OR PRINT)

Joel Sacks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 19, 2016

TIME: 10:32 AM

WSR 16-03-060

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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>1</u>	Amended	<u>5</u>	Repealed	<u>1</u>

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	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	<u>5</u>	Repealed	<u>1</u>
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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 – List of Amended Rules

Amended Sections:

- **WAC 296-19A-030** What are the responsibilities of the parties?
- **WAC 296-19A-110** What are vocational rehabilitation plan implementation and monitoring services?
- **WAC 296-19A-600** How does an eligible injured worker elect vocational option 2 benefits?
- **WAC 296-19A-610** What is a vocational Option 2 award?
- **WAC 296-19A-620** What are the vocational Option 2 training funds?

New Sections:

- **WAC 296-19A-625** What if an eligible worker chooses Option 2 after starting the retraining plan?

Repealed Sections:

- **WAC 296-19A-630** Can a worker change their option election?