



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-08-096 _____ ; 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: Chapter 296-19A WAC - Vocational Rehabilitation (Option 2)

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

Submit written comments to:

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

e-mail laurinda.grytness@lni.wa.gov
fax (360)902-6706 by (date) August 23, 2017, 5:00 p.m.

Date: August 22, 2017 Time: 1:00 p.m.

Assistance for persons with disabilities: Contact

L&I's Return to Work Partnerships Program by August 8, 2017

TTY (360) 902-5797 or (360) 902-6741

Date of intended adoption: September 19, 2017
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The proposed rules provide further clarification about Option 2 benefits. After a worker's vocational retraining plan is approved by the department, the worker can elect Option 2, which allows the worker access to training funds for a self-directed training plan. The worker can use up to ten percent of the Option 2 training funds for vocational counseling and job placement services if the worker's vocational retraining plan was approved on or after July 31, 2015. See Attachment 1.

If adopted, the proposed rules will:

- Revise wording to make the rules easier to understand.
- Explain the worker's option election limits.
- Define Option 2 vocational counseling and job placement services.
- Specify who can provide Option 2 vocational counseling and job placement services.
- Describe how Option 2 vocational counseling and job placement services are delivered.
- List the vocational provider's Option 2 reporting requirements.
- Outline how Option 2 vocational bills are charged and paid.

The proposed rules were developed in consultation with the Vocational Subcommittee.

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:		

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 18, 2017

TIME: 9:44 AM

WSR 17-15-092

DATE
July 18, 2017

NAME (type or print)
Joel Sacks

SIGNATURE

TITLE
Director

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

None

Name of proponent: Department of Labor and Industries

- 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.

The Small Business Economic Impact Statement is not needed because the proposed rules do not impose more than minor costs.

Is a cost-benefit analysis required under RCW 34.05.328?

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

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

phone (360) 902-6362 _____
fax (360)902-6706 _____
e-mail laurinda.grytness@LNI.WA.GOV

No: Please explain:

Attachment 1 – List of Amended Rules

Amended Sections:

- **WAC 296-19A-010 Definitions.**
- **WAC 296-19A-040 What vocational rehabilitation services require authorization?**
- **WAC 296-19A-120 What reports are required when vocational rehabilitation plan implementation and monitoring services are completed?**
- **WAC 296-19A-320 What other requirements are providers required to follow?**
- **WAC 296-19A-350 What are the requirements for case notes?**
- **WAC 296-19A-400 What records are vocational rehabilitation providers required to maintain?**

New Sections:

- **WAC 296-19A-627 If the worker has more than one open claim and is approved for vocational retraining, can the worker pick Option 1 on one claim and Option 2 on the other?**
- **WAC 296-19A-629 After the worker has elected Option 2, can the worker elect Option 1?**
- **WAC 296-19A-631 What are Option 2 vocational counseling and job placement services?**
- **WAC 296-19A-633 Who can deliver Option 2 vocational counseling and job placement services?**
- **WAC 296-19A-635 Who pays the vocational provider for Option 2 vocational counseling and job placement services?**
- **WAC 296-19A-637 How are vocational counseling and job placement services delivered?**

Repealed Sections:

- **None**