



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 19, 2017

TIME: 10:24 AM

WSR 17-19-089

Agency: The Department of Labor and Industries

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 adopted 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.

The adopted rules:

- 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.

Citation of rules affected by this order:

New:

- 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Repealed: None

Amended:

- 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?

Suspended: None

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

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 17-15-092 on July 18, 2017 (date).

Describe any changes other than editing from proposed to adopted version: The adopted rules differ slightly from the proposed rules. Edits to WAC 296-19A-635:

- Clarify language on how the ten percent for vocational services is calculated.
- Allow greater flexibility should the department's billing requirements change.

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

Name: Laurinda Grytness

Address: PO Box 44329, Olympia WA 98504-4329

Phone: 360-902-6362

Fax: 360-902-6706

TTY: 360-902-5795

Email: Laurinda.Grytness@LNI.WA.GOV

Web site:

Other:

**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	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>6</u>	Amended	<u>6</u>	Repealed	<u>0</u>

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

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

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

New	<u>6</u>	Amended	<u>6</u>	Repealed	<u>0</u>
-----	----------	---------	----------	----------	----------

The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

Date adopted: September 19, 2017

Name: Joel Sacks

Title: Director

Signature:

