

Student Volunteers and Workers' Compensation Coverage

A new law passed in 2016 expands who is eligible for L&I's medical only coverage.



What's new?

Before the new law, L&I offered medical aid coverage for only public K-12 school student volunteers.

- Beginning June 9, 2016, L&I will offer medical aid-only coverage for qualified student volunteers in private K-12 schools, and in private and public institutions of higher education.
- In an effort to encourage employers to participate in school-sponsored, unpaid work-based learning, the new law enables L&I to provide medical aid-only coverage for unpaid students.

What is a student volunteer? What is an unpaid student?

Definitions of student volunteers and unpaid students:

	Student volunteer	Unpaid student
Enrollment:	Enrolled in a public or private K-12 school or institution of higher education	Enrolled in a public or private institution of higher education, not in a K-12 school
Authorization of program:	Participating as a volunteer under a program authorized by the school	<ul style="list-style-type: none"> ● Participating in an unpaid work-based learning program authorized by the school ● Includes students in school-sponsored, unpaid work-based learning, including cooperative education, clinical experiences, and internship programs
Wages/remuneration:	<ul style="list-style-type: none"> ● Performing duties for employer without wages ● Student volunteers in K-12 schools may receive credit towards graduation ● May receive maintenance and reimbursement for actual expenses incurred in performing assigned duties (not considered wages) 	<ul style="list-style-type: none"> ● Performs duties without wages ● Receives credit (not considered wages) toward completing school program, certification, or degree in return for services



How do I get medical aid coverage for student volunteers and/or unpaid students?

Complete an *Application for Elective Coverage of Excluded Employment* form (F213-112-000). The completed form serves as notice to L&I that you will be providing this coverage. (See WAC 296-17-935 for your reporting options.)

State fund employers:

- Submit the completed application to L&I's Employer Services section at the address printed on the form.
- Call 360-902-4817 or your Account Manager with any questions.

Self-insured employers:

- Submit the completed application to L&I's Self-Insurance section at the address printed on the form.
- Call 360-902-6867 with any questions.

Where do I get the application form?

The *Application for Elective Coverage of Excluded Employment* (F213-112-000) is available online at www.Lni.wa.gov/Forms/pdf/213112a0.pdf or by calling the numbers listed above.

What about internships?

Internships mean different things to different people. If you have:

- Paid interns: you must report them in your business' risk classification. Reimbursement for expenses incurred in performing assigned duties is **not** considered a wage.
- Unpaid interns working for credit towards completing a school program, certification, or a degree in return for services: may be unpaid students – each scenario will be reviewed on a case-by-case basis.

What does medical aid coverage mean?

This coverage pays approved medical care costs that pertain to an injury or illness resulting from volunteer activities. Electing this coverage does **not** protect employers from tort liability.

Who pays the L&I premium?

State fund employers who have elected coverage for their student volunteers and/or unpaid students. Schools do not pay the premium unless the student is volunteering for the school.

Self-insured employers do not pay premiums; however, they agree to pay the costs of a qualifying claim filed by a student volunteer and/or unpaid student.

Which law established this volunteer coverage and is now being updated?

In 1994, the Washington State Legislature passed the student volunteers statute, RCW 51.12.170. This RCW was updated in 2016 by Engrossed Substitute Senate Bill 6293. Rules administering the law may be found in Washington Administrative Code (WAC) Chapter 296-17, at

<http://app.leg.wa.gov/wac/default.aspx?cite=296-17>.