



RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: November 19, 2024

TIME: 9:36 AM

WSR 24-23-082

Agency: Department of Labor and Industries (L&I)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) January 1, 2025 (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 purpose of this rulemaking is to implement requirements of Substitute House Bill 2127 (SHB 2127), Chapter 90, Laws of 2024, under Chapter 296-19A WAC, Vocational Rehabilitation. This rulemaking corrects RCW subsection references, updates benefit amounts for job modification and prejob accommodations, and clarifies the ability of vocational counselors to help workers access skill enhancement training and how these skills are reported.

L&I is also conducting a separate rulemaking to amend Chapters 296-16 WAC, Employer – Worker reemployment incentives, and 296-16A WAC, Stay-at-Work program, to implement 2024’s SHB 2127.

Adopted amendments include:

The following sections are amended to reference the correct subsection under RCW 51.32.095 and 51.32.096:

- WAC 296-19A-040 What vocational rehabilitation services require authorization?
- WAC 296-19A-050 What are vocational recovery services?
- WAC 296-19A-065 What is an ability to work assessment?
- WAC 296-19A-090 What are vocational rehabilitation plan development services?
- WAC 296-19A-098 How often must written progress reports be submitted when plan development services are provided for state fund claims?
- WAC 296-19A-100 What reports are required when vocational rehabilitation plan development services are completed?
- WAC 296-19A-130 What are the requirements for a forensic evaluation?
- WAC 296-19A-191 When may the department authorize prejob accommodations?
- WAC 296-19A-629 After the worker has elected Option 2, can the worker elect Option 1?

WAC 296-19A-050 What are vocational recovery services?

- Clarify that vocational counselors have the ability to help workers access skill enhancement training.

WAC 296-19A-070 What information must an assessment report include?

- Clarify how vocational counselors report skills obtained from skill enhancement training.

WAC 296-19A-100 What reports are required when vocational rehabilitation plan development services are completed?

- Clarify how vocational counselors report skills obtained from skill enhancement training.

WAC 296-19A-190 How much is available for job modification assistance?

- Maximum amount allowed for job modifications is increased from \$5,000 to \$10,000.

WAC 296-19A-192 How much is available for prejob accommodations?

- Maximum amount allowed for prejob accommodations is increased from \$5,000 to \$10,000.

WAC 296-19A-570 What factors will the department consider when deciding whether to approve a nonaccredited or unlicensed training provider for Washington injured workers?

- Replace RCW 51.32.099 with RCW 51.32.096. Substitute House Bill 1496, Chapter 137, Laws of 2015, added a new section codified as RCW 51.32.096, replacing RCW 51.32.099 which subsequently expired.

Citation of rules affected by this order:

New:

Repealed:

Amended: WAC 296-19A-040, 296-19A-050, 296-19A-065, 296-19A-070, 296-19A-090, 296-19A-098, 296-19A-100, 296-19A-130, 296-19A-190, 296-19A-191, 296-19A-192, 296-19A-570, and 296-19A-629

Suspended:

Statutory authority for adoption: RCW 51.04.020, 51.04.030, 51.32.095, 51.32.096, and 51.32.250

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-20-112 on October 1, 2024 (date).

Describe any changes other than editing from proposed to adopted version: None

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

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	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	<u>13</u>	Repealed	___

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

New	___	Amended	___	Repealed	___
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The number of sections adopted on 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	___	Amended	___	Repealed	___
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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	___

Date Adopted: November 19, 2024

Name: Joel Sacks

Title: Director

Signature:

