

POLICY 6.71

Section: Vocational Rehabilitation Management **Effective:**

Title: Policy 6.71 - Authorizing Pre-Job Accommodations **Cancels:** Policy 6.71 dated 1-15-00

See Also: RCW 51.32.095(4) (pre-job accommodation)
RCW 51.32.099 (4) (vocational rehabilitation)
RCW 51.32.250 (payment of job modification costs)
WAC-296-19A-010 (10) (pre-job accommodation)
WAC 296-19A-190 (job modification funds)
WAC 296-19A-191 (authorizing pre-job accommodation)
WAC 296-20-100 through 296-20-1102 (personal appliances or personal items)
Policy 6.70 (authorizing job modifications)

Approved by: _____
Cheri Ward, Program Manager for Claims Administration

This policy applies when an adjudicator receives a request for a pre-job accommodation under a state fund claim or a claim against a defaulting self-insured employer.

1. The pre-job accommodation benefit is available when certain criteria are met.

Pre-job accommodation funds are available **only** when:

- No employer-employee relationship exists; **and**
- The claim is open or in statutory pension status; **and**
- The pre-job accommodation is medically necessary (see Section 4, below)

If the claim is reopened as an "over-seven", the director must approve payment of disability benefits from the Accident Fund before a request for pre-job accommodation can be considered.

Note: If there is an employer-employee relationship, see Policy 6.70.

2. The department pays for pre-job accommodations necessary to perform essential job functions or to enable retraining.

In order to receive a pre-job accommodation, the worker must need the pre-job accommodation to:

- Participate in an approved retraining plan; or
- Perform the essential functions of a job or return-to-work (RTW) goal in which the injured worker is seeking employment consistent with:
 - A completed retraining plan; or
 - The recommendations of an ability to work assessment.

3. The pre-job accommodation benefit is not available when a worker declines vocational services by selecting Option 2.

4. Pre-job accommodations must be medically necessary.

The worker's attending doctor must certify that pre-job accommodations are medically necessary due to the effects of the accepted industrial condition. The department **does NOT** pay for pre-job accommodations for conditions unrelated to the accepted industrial condition.

5. Pre-job accommodations are paid from the Accident Fund.

6. Pre-job accommodation consultation and equipment require prior authorization.

If modifications are completed prior to approval, requests for reimbursement will be reviewed on a case by case basis.

7. Consultations may be provided by an occupational or physical therapist, ergonomic specialist or vocational rehabilitation provider.

8. Pre-job accommodation may include tools, equipment, and appliances.

When a worker is participating in a retraining plan, the accommodation is necessary based on the individual needs and not something needed by any individual in the program, classroom, or OJT site.

The accommodation may include specialized training to use assistive technology such as voice activated software.

Exception:

8a. Requests for a desktop or laptop computer will be considered on a case by case basis.

Example: A worker must use assistive technology software to perform school work. The worker's computer is too old to upgrade and cannot support the software needed to complete the required coursework and students can not install software on computers owned by the training site. Purchase of a new computer may be considered.

9. Personal appliances or personal items may be approved as a pre-job accommodation when certain criteria are met.

The department generally **does not** authorize the purchase of personal appliances or personal items under a claim (See WAC 296-20-100 through 296-20-1102).

However, items considered personal appliances or personal items may be purchased as a pre-job accommodation if **both** of the following criteria apply:

- The purchase and use of the pre-job accommodation enhances the worker's employability; that is, without it the worker may not be able to work; **and**
- The pre-job accommodation is something employers in general do **not** already supply to employees.

10. Modification to a home or vehicle may be approved when certain criteria is met.

Pre-job accommodations generally **do not** include modification of a worker's home or vehicle.

Home and/or vehicle modification may be approved if the worker needs the modification to:

- Perform the essential job functions; **or**
- Participate in retraining.

11. Pre-job accommodations can not exceed \$5,000 per claim.

The \$5,000 **does NOT include** the cost of professional consultative services.

12. Combined costs for job modification and pre-job accommodation can not exceed \$5,000 for the same job or RTW goal.

13. Adjudicator verifies the bid process was followed.

The adjudicator must verify the application includes a bid from 2 vendors for each proposed item costing \$2,500.00 or more. The cost of the item includes fitting, set up, training, tax, delivery and warranties.

Exception:

13a. Two bids are not required if the item is unique or is only available from one vendor.

14. Adjudicator selects the vendor.

For identical items, the department selects the vendor with the lowest bid.

Exception:

14a. The claim manager may select the higher bid on a case by case basis. This may be related to available training offered or if the vendor is geographically closer to provide service and repair.

Example: Two vendors provide bids for voice activated software and training. One vendor offers 1 on 1 training at the retraining site and the other offers online training. The claim manager may accept the bid from the vendor who best matches the needs of the worker.

15. Vendors who provide a pre-job accommodation consultation may supply the equipment for that modification when certain criteria are met.

Vendors providing a consultation may supply the equipment if:

- Custom design and fabrication of unique equipment or tool modification is required; **and**
- The vendor obtains **prior** authorization from the adjudicator; **and**
- The vendor provides proper justification and cost estimates.

16. Applications for pre-job accommodations must include a signed ownership agreement.

The adjudicator must verify the application includes a signed ownership agreement.

L&I is considered the owner until the worker is determined to be employable or until the retraining plan is successfully completed.

17. Tools, equipment, and appliances must be returned to the department if not used in the RTW goal or if the retraining plan fails.

The department will advise the worker they must return the equipment to the nearest service location.

18. Adjudicator may approve the cost of moving the equipment when certain criteria are met.

- Claim is still open; and
- The equipment was purchased as part of the modification or accommodation; and
- There is still money remaining from the \$5,000 benefit.

19. The owner is responsible for maintenance and repair of equipment not covered under a warranty.

When the department is the owner, the adjudicator may authorize maintenance or repair if funds remain from the \$5,000 benefit.

20. Adjudicator may authorize alteration or replacement of equipment.

The adjudicator may consider authorizing alteration or replacement of pre-job accommodation equipment **only if**:

- The claim is in open or statutory pension status; **and**
- Funds remain from the pre-job accommodation for the same job goal; **and**
- **At least one** of the following applies:
 - The worker's condition has changed; **or**
 - The initial pre-job accommodation requires enhancement to meet the worker's restrictions imposed by the accepted industrial condition; **or**
 - The equipment was lost or stolen while L&I was the owner.

If more economical, the adjudicator may replace rather than alter or repair the pre-job accommodation equipment.

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