

Self-insured employer guidelines for implementing changes associated with the Vocational Improvement Project (VIP)

The changes associated with the 2007 vocational improvement legislation are in effect as of 1-1-08. These changes impact claims covered by the State Fund, and claims covered by self-insured employers.

Note: L&I filed proposed rules that may have an impact on some of the information listed below. Therefore, please consider this document to be a guideline except where specifically noted.

For additional information about the proposed rules, and information about all of the changes associated with the VIP, please visit the L&I vocational web site at:
<http://www.lni.wa.gov/ClaimsIns/Providers/Vocational/default.asp>

Guidelines:

- A. No Report or Self-Insurance Vocational Report Form is required when the worker returns to work or is released for work to the job at injury, with the same employer, in the job as it existed at injury, without accommodation or transitional work.**
- B. Submit a Self-Insurance Vocational Reporting Form # 207-190-000, including a Job Analysis Report, with documentation of successful return to work, when the injured worker returns to:**
1. A modification of the previous job with the same employer including transitional work. **Note:** Please do not submit a SIVRF until the worker has transitioned back to their usual work pattern and final employability has been established.
 2. A new job with the same employer in keeping with any limitations or restrictions.
- C. Submit a Vocational Assessment Report including supporting documents when there is:**
1. Modification of the previous job with a new employer.
 2. A new job with a new employer or self-employment based on transferable skills.
 3. Modification of a new job with a new employer.
 4. A new job with a new employer or self-employment involving on the job training.
 5. Short-term retraining and job placement,

Vocational assessments should meet the requirements in WAC 296-19A-070. **The Self-Insurance Vocational Reporting Form** and attachments must be sent to the department **within five working days** by the self-insurer. If time loss benefits have been terminated and the department cannot make an employability determination based on the information provided, time loss benefits must be reinstated.

D. Eligible for Further Services -- New Requirements

1. After the department reviews and approves a vocational assessment report submitted by the self-insured employer, the department initiates the vocational plan development referral.
2. The vocational counselor receives a referral letter from the department notifying them of the **90-day plan development deadline**.
3. The employer receives a letter, from the department, advising of their right to make a valid job offer **within fifteen days**.
4. The worker receives a letter, from the department, with an attachment, advising the worker of their rights and responsibilities during plan development. (When the worker is found not eligible for vocational services, notification must explain why services are denied.)
5. The assigned vocational counselor must have the initial plan development meeting face to face with the worker.
6. The counselor must inform the worker regarding option 1 and option 2 benefits.

If a plan is not received **within 90 calendar days**, the vocational counselor can request, from the claims manager/TPA, a time-limited extension if there is good cause. Non-cooperation is not good cause. If the claims manager/TPA agrees, they submit the request to the department to extend plan development. All extensions must be approved by the department.

The plan must meet WAC 296-19A-100. **An accountability agreement, form # F280-016-000 (English) F280-016-999 (Spanish)**, must be signed by the worker and the vocational counselor and it must be attached to the plan.

The department makes the determination to approve or deny a plan. If the plan is denied, the worker remains in eligibility status. The department can require a referral to another provider if there is not good cause.

The department must review the plan **within fifteen days** of receipt of the plan or it is deemed approved. The worker has **fifteen days** from date the department approves the plan to elect option 2.

E. What must a vocational counselor do during plan implementation?

Vocational providers should contact the worker and the trainer or appropriate representative of the training program or school regularly – in some cases as often as every fourteen days. The vocational provider must assist the worker with job search before the completion of the plan.

F. When the vocational rehabilitation plan is successfully completed submit a Self Insurance Vocational Reporting Form # F207-190-000 within fifteen days of time loss termination with the vocational closing report and documentation of program completion from the training site (transcript, certificate, etc) The vocational closing report should meet the requirements of WAC 296-19A-120.

G. When the vocational rehabilitation plan is not successfully completed, submit a Self-Insurance Vocational Reporting Form #F207-190-000 and closing vocational report to the department with supporting documentation within five working days.

1. If the closing report recommends the worker is eligible for further services, time loss continues.
2. If the closing vocational report recommends the worker is not eligible for further services, or if the worker did not complete the vocational plan but has attained sufficient skills to be considered employable and able to work, time loss may be terminated.

H. When the worker declines further vocational rehabilitation services and elects Option 2 benefits submit a self insurance vocational reporting form# **F207-190-000** and provide documentation of the worker's declination of further services and selection of option 2 benefits (attach the RETRAINING PLAN OPTION FORM # 280-015-000 English and #280-015-999 Spanish completed by the worker, along with the pay out schedule, within five working days of the date the self-insurer receives the worker's request for option 2 benefits.

I. After the worker has selected Option 2 benefits and the claim is now closed submit a self insurance vocational reporting form # **F207-190-000** with the total retraining costs paid to date for the worker after claim closure quarterly for five years or until the available training benefit has been used.

J. Terminating time loss benefits WAC 296-15-420

No later than the date of time loss termination, a self-insurer must notify the worker in writing of the reason for time loss termination. If termination is based on a release to work not received directly from the worker, attach a copy of the release to the notice.

H. Suspension of benefits for non-cooperation RCW 51.32.110 WAC 296.14.410

The claims manager sends a letter to the worker with an explanation of the problem, including the specifics of what is expected for the worker and asking the worker for his/her reasons for the non-cooperation. Inform the worker in the letter that benefits could be suspended as a result of non-cooperation. Include in the letter that he/she has thirty days from the date of the letter to respond in writing. If the worker is deemed non-cooperative, submit a request to the department vocational services specialist to suspend benefits.

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Tips for submitting vocational reports:

- Be sure that self-insurance vocational reporting forms are completed in full. Include the vocational provider's number, firm provider number, and firm branch number.
- Be sure all vocational reports are complete with supporting documentation.
- Submit vocational reports and supportive documentation separate from submitting other reports or SIFs to the department.
- Submit vocational plans in this order:
 1. Time, cost, and travel encumbrance forms
 2. Vocational plan narrative
 3. Accountability statement signed by worker
 4. Training curriculum
 5. Vocational aptitude assessment, labor market survey, approved job analysis

Questions?

Call the Vocational Services Specialist
360-902-6913 or **360-902-6915**

Or visit the LNI Vocational Improvement Project website at
<http://www.lni.wa.gov/ClaimsIns/Providers/Vocational/default.asp>