

SENATE FILE

1142

II

SF0142

AN ACT to create W.S. 27-14-408; and to amend W.S. 27-14-701 by creating a new subsection (e) and 27-14-802 by creating a new subsection (c) relating to worker's compensation; providing for vocational rehabilitation of injured employees; establishing programs and specifying program eligibility; directing the division of vocational rehabilitation to develop rehabilitation plans; imposing plan criteria; delegating rulemaking authority; reimbursing the division of vocational rehabilitation for incurred expenses; and providing for an effective date.

SENATE FILE 0142

Introduced by:

Charles H. Scott

SENATE ACTION ON SENATE FILE

1122 ☒ Introduced
 Aye ___ No ___ Ex ___ Ab ___
☒ Read First Time and Ref. to Committee No. 10
☐ Failed Introduction
 Aye ___ No ___ Ex ___ Ab ___
 2116 Returned from Committee No. 10
 with Recommendation:
☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
☒ W/O Recomm; ☐ Re-Refer to Committee No. ___
☐ Re-referred to Committee No. ___
☐ Returned from Committee No. ___
 with Recommendation:
☐ Do Pass; ☐ Amend & Do Pass; ☐ Do Not Pass;
☐ W/O Recomm; ☐ Re-Refer to Committee No. ___
☐ Considered in Comm. of Whole
☐ Amended
☐ Recommended Do Pass
☐ Failed Comm. of Whole
☐ Indefinitely Postponed
☐ Other: ___
☐ Read Second Time
☐ Amended
☐ Do Pass
☐ Do Not Pass
☐ Accelerated to 3rd Rdg.
☐ Read Third Time
☐ Amended
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Held for Reconsideration
☐ Motion to Reconsider
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Third Reading Vote (On Reconsideration)
☐ Passed ☐ Failed
 Aye ___ No ___ Ex ___ Ab ___
☐ Sent to House (No Amendments)
☐ Sent to LSO for Engrossing
☒ ENGROSSED
☐ Sent to House

SENATE ACTION CONT'D

☐ Received from House with Request to Concur in Amendments.
☐ Senate Concurred in House Amendments.
☐ Senate Did not Concur in House Amendments.
☐ JCC# ___
 Senate Members ___ House Members ___
 Ch. ___ Ch. ___
☐ Request for New Committee.
☐ Senate Did Not Adopt JCC# ___
☐ Senate Adopted JCC# ___
☐ House Adopted
☐ House Did not Adopt
☐ JCC# ___
 Senate Members ___ House Members ___
 Ch. ___ Ch. ___
☐ Request for New Committee.
☐ Senate Did Not Adopt JCC# ___
☐ Senate Adopted JCC# ___
☐ House Adopted
☐ House Did not Adopt
☐ JCC# ___
 Senate Members ___ House Members ___
 Ch. ___ Ch. ___
☐ Request for New Committee.
☐ Senate Did Not Adopt JCC# ___
☐ Senate Adopted JCC# ___
☐ House Adopted
☐ House Did not Adopt
☐ Sent for Enrolling
☐ Received from LSO
 SEA No. ___
☐ Signed by President
☐ Signed by Speaker
☐ Approved by Governor
 Chapter No. ___

(SEE REVERSE SIDE OF BILL JACKET FOR SUMMARY OF HOUSE ACTION)

Received from Senate
Read First Time and Ref. to
Committee No. _____
Returned from Committee No. _____
with Recommendation:
[] Do Pass; [] Amend & Do
Pass; [] Do Not Pass;
[] W/O Recomm; [] Re-Refer
to Committee No. _____
Re-referred to Committee No. _____
Returned from Committee No. _____
with Recommendation:
[] Do Pass; [] Amend & Do
Pass; [] Do Not Pass;
[] W/O Recomm; [] Re-Refer
to Committee No. _____
Considered in Comm. of Whole
[] Amended
[] Recommended Do Pass
[] Failed Comm. of Whole
[] Indefinitely Postponed
[] Other: _____
Read Second Time
[] Amended
[] Do Pass
[] Do Not Pass
[] Accelerated to 3rd Rdg.
Read Third Time
[] Amended
[] Passed [] Failed
Aye _____ No _____ Ex _____ Ab _____
[] Held for Reconsideration
____ / ____ Motion to Reconsider
[] Passed [] Failed
Aye _____ No _____ Ex _____ Ab _____
____ / ____ Third Reading Vote
(On Reconsideration)
[] Passed [] Failed
Aye _____ No _____ Ex _____ Ab _____
Sent to Senate
Sent to LSO for ENROLLING

3/3 Died on General File

(SEE REVERSE SIDE OF BILL JACKET FOR
SUMMARY OF SENATE ACTION)

THE LEGISLATURE OF THE STATE OF WYOMING

Senate

Cheyenne,February 15....., 1993..

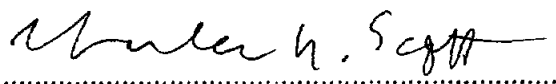
Mr. President:

Your Committee No.10..... onLABOR, HEALTH AND SOCIAL SERVICES.....
to whom was referred Senate File No. 0142.....
respectfully reports same back to the Senate ~~with the recommendation that~~
WITHOUT RECOMMENDATION.

AYES
Anderson
Cathcart
Enzi
Harris
Scott

NOES
0

EXCUSED
0


.....
Charles K. Scott **Chairman**

House of Intro			
To Com. No.			
Stand Report	Do	Amd	Not
Com Whole	Do	Amd	Not
2nd Reading	Amd		
3rd Reading	Amd	Pass	Fail

Second House			
To Com No.			
Stand Report	Do	Amd	Not
Com Whole	Do	Amd	Not
2nd Reading	Amd		
3rd Reading	Amd	Pass	Fail

1993

STATE OF WYOMING

93LSO-0599.01

SENATE FILE NO. 0142

Worker's comp-vocational rehabilitation.

Sponsored by: SENATE LABOR, HEALTH AND SOCIAL
SERVICES COMMITTEE

A BILL

for

1 AN ACT to create W.S. 27-14-408; and to amend W.S.
2 27-14-701 by creating a new subsection (e) and 27-14-802
3 by creating a new subsection (c) relating to worker's com-
4 pensation; providing for vocational rehabilitation of
5 injured employees; establishing programs and specifying
6 program eligibility; directing the division of vocational
7 rehabilitation to develop rehabilitation plans; imposing
8 plan criteria; delegating rulemaking authority; reimburs-
9 ing the division of vocational rehabilitation for incurred
10 expenses; and providing for an effective date.

11 Be It Enacted by the Legislature of the State of Wyoming:

1 Section 1. W.S. 27-14-408 is created to read:

2 27-14-408. Vocational rehabilitation; application;
3 eligibility; plan; termination.

4 (a) Following receipt of an award under W.S.
5 27-14-405 or 27-14-406 or if it appears that a compensable
6 injury will prevent an injured employee from returning to
7 previous employment, the employee may apply to the divi-
8 sion to participate in a vocational rehabilitation program
9 subject to the following:

10 (i) The employee's physical impairment award is
11 or is anticipated to be, for total or partial disability,
12 greater than fifteen percent (15%) of the body as a whole
13 in accordance with the most current edition of the Ameri-
14 can Medical Association guide to the evaluation of perma-
15 nent impairment;

16 (ii) The employee is permanently unable to per-
17 form any gainful employment, even with reasonable accommo-
18 dation, for which the employee is reasonably suited by
19 experience or training and the physical impairment that is
20 the basis of the physical impairment award is the major
21 contributing factor to that inability.

1 (b) Upon receipt of an application, the division
2 shall determine if the employee is eligible for participa-
3 tion in a rehabilitation program pursuant to this section.

4 (c) Upon final determination of an injured worker's
5 eligibility for rehabilitation, the division shall immedi-
6 ately send a copy of the application and determination to
7 the local office of the division of vocational rehabilita-
8 tion of the department of employment.

9 (d) The division of vocational rehabilitation shall
10 upon receipt of the determination of eligibility, immedi-
11 ately provide the injured employee with a written explana-
12 tion of the rehabilitation services available to injured
13 employees and its procedures for developing and supervis-
14 ing an individualized rehabilitation plan for the
15 employee.

16 (e) The division of vocational rehabilitation shall
17 in cooperation with the injured employee, develop an
18 individualized rehabilitation plan for the employee agreed
19 to by both the division and employee, that:

20 (i) Is reasonably contemplated to restore the
21 employee's ability to return to former employment, a
22 related occupation or other suitable employment which, to

1 the extent reasonably possible, has an earnings level com-
2 parable to the employee's pre-injury earnings;

3 (ii) Shall not exceed four (4) years or a total
4 cost of thirty thousand dollars (\$30,000.00); and

5 (iii) Is the least costly feasible plan consis-
6 tent with the rehabilitation goal established pursuant to
7 paragraph (e)(i) of this section.

8 (f) The division may terminate the participation of
9 an injured worker in the rehabilitation program upon cer-
10 tification by the division of vocational rehabilitation
11 that the injured worker has failed to cooperate or main-
12 tain satisfactory progress toward the mutually agreed upon
13 rehabilitation plan.

14 Section 2. W.S. 27-14-701 by creating a new subsection
15 (e) and 27-14-802 by creating a new subsection (c) are
16 amended to read:

17 27-14-701. Trust and agency fund; investments; admin-
18 istrative expenses; rehabilitation expenses.

19 (e) THE DIVISION SHALL FROM THE WORKER'S COMPENSATION
20 ACCOUNT, PERIODICALLY ADVANCE OR REIMBURSE THE DIVISION OF
21 VOCATIONAL REHABILITATION FOR ADMINISTRATIVE AND PROGRAM

1 COSTS ASSOCIATED WITH THE REHABILITATION OF INJURED WORK-
2 ERS PURSUANT TO W.S. 27-14-408, WHICH COSTS ARE NOT REA-
3 SONABLY AVAILABLE FOR OR NOT LEGALLY ALLOWABLE COSTS PUR-
4 SUANT TO THE FEDERAL REHABILITATION ACT OF 1973, AS
5 AMENDED.

6 27-14-802. Rulemaking power; fees; state's average
7 wages.

8 (c) THE DIVISION, TOGETHER WITH THE DIVISION OF VOCA-
9 TIONAL REHABILITATION, SHALL JOINTLY ESTABLISH CONSISTENT
10 RULES AND REGULATIONS FOR THE IMPLEMENTATION OF W.S.
11 27-14-408.

12 Section 3. This act is effective July 1, 1993.

13 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED REVENUE	_____	_____	_____

<u>Anticipated COST to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
Workers' Comp. Fund*	\$580,025.00	\$1,390,775.00	\$1,371,660.00
TOTAL ESTIMATED COST	\$580,025.00	\$1,390,775.00	\$1,371,660.00

<u>Anticipated SAVINGS to:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
_____	_____	_____	_____
_____	_____	_____	_____
TOTAL ESTIMATED SAVINGS	_____	_____	_____

<u>Anticipated Change in Personnel:</u>	<u>FY 1994</u>	<u>FY 1995</u>	<u>FY 1996</u>
Full-Time**	4	8	8
Part-Time			
Temporary			
Time-Limited, Other			
TOTAL PERSONNEL IMPACT	4	8	8

*Estimate of costs from vocational rehabilitation.

**Positions would be in vocational rehabilitation.