

1 S.136

2 Introduced by Senator Illuzzi

3 Referred to Committee on Economic Development, Housing and General

4 Affairs

5 Date: January 3, 2012

6 Subject: Labor; workers' compensation; vocational rehabilitation

7 Statement of purpose: This bill proposes to require the department of labor to
8 contact a vocational rehabilitation counselor affirming the approval of a
9 vocational rehabilitation plan within seven days after the plan has been
10 approved.

11 An act relating to vocational rehabilitation

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 ~~Sec. 1. 21 V.S.A. § 641 is amended to read:~~

14 ~~§ 641. VOCATIONAL REHABILITATION~~

15 ~~* * *~~

16 ~~(c) Any vocational rehabilitation plan for a claimant presented to the~~
17 ~~employer shall be deemed valid if the employer was provided an opportunity~~
18 ~~to participate in the development of the plan and has made no objections or~~
19 ~~changes within 21 days after submission. A vocational rehabilitation counselor~~
20 ~~shall provide the employer with a written invitation to participate in plan~~

1 development, including the date, time, and place to provide an opportunity to
2 participate in the development of the plan, with a copy to the department. The
3 participation in the development of the plan may be conducted by telephone.
4 The written notice shall be evidence of the opportunity to participate in plan
5 development and shall be appended to the proposed plan. The department
6 shall notify the vocational rehabilitation counselor in writing that the
7 rehabilitation plan has been deemed valid within seven days after the plan has
8 been deemed valid under this subsection.

9 * * *

Sec. 1. 21 V.S.A. § 641 is amended to read:

§ 641. VOCATIONAL REHABILITATION

(a) When as a result of an injury covered by this chapter, an employee is unable to perform work for which the employee has previous training or experience, the employee shall be entitled to vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore the employee to suitable employment. Vocational rehabilitation services shall be provided as follows:

* * *

(3) The commissioner shall adopt rules to assure that a worker who requests services or who has ~~received~~ been out of work for more than 90 days of continuous temporary total disability benefits is timely and cost-effectively screened for benefits under this section. The rules shall:

* * *

Sec. 2. STUDY

(a) The department of labor in consultation with the department of disabilities, aging, and independent living, and other interested parties, including vocational rehabilitation services, shall study the following:

(1) what performance standards should apply to vocational rehabilitation counselors;

~~(2) whether the department of disabilities, aging, and independent living should be allowed to provide workers' compensation vocational rehabilitation services and charge the fees for those services to insurance companies; and~~

~~(3) whether injured workers receiving vocational rehabilitation services are receiving those services in a timely manner.~~

~~(b) The department of labor shall report its findings as well as any recommendations by January 15, 2013, to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs.~~

Sec. 2. STUDY

~~(a) The department of labor in consultation with the department of disabilities, aging, and independent living and other interested parties including vocational rehabilitation counselors shall study the following:~~

~~(1) what performance standards should apply to vocational rehabilitation counselors;~~

~~(2) whether the department of disabilities, aging, and independent living should be allowed to provide workers' compensation vocational rehabilitation services and charge the fees for those services to insurance companies and whether providing services to state employees would represent a conflict of interest;~~

~~(3) whether injured workers receiving vocational rehabilitation services are receiving those services in a timely manner; and~~

~~(4) whether the current vocational rehabilitation screening process is effective and whether entities other than the department of disabilities, aging, and independent living should be permitted to provide screening to avoid conflicts of interest.~~

~~(b) The department of labor shall report its findings as well as any recommendations by January 15, 2013, to the house committee on commerce and economic development and the senate committee on economic development, housing and general affairs.~~

Sec. 3. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(2) “Child” includes a stepchild, adopted child, posthumous child, grandchild, and ~~an acknowledged illegitimate~~ a child for whom parentage has been established pursuant to 15 V.S.A. chapter 5, but does not include a married child unless the child is a dependent.

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