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51

Bill No CSSB 51 (HESS)

Date: February 23, 1989

Title: "An Act extending the time period for a person to become a certified workers' compensation rehabilitation specialist; and providing for an effective date."


Contact:  J. L. McClintock
465-2790

One of the major concerns addressed by the Labor/Management Task Force in last year's workers' compensation legislation was to assure that quality vocational rehabilitation services be provided by skilled professionals to assist Alaska's injured workers in their return to the work place, thereby reducing liability for long-term disability for Alaska employers. To accomplish this, specific standards for professional vocational certification were included in the 1988 workers' compensation bill. These standards require that a person be a certified insurance rehabilitation specialist (CIRS) or a certified rehabilitation counselor (CRC), or the equivalent in jurisdictions without CIRS or CRC certification standards, in order to be placed on the Workers' Compensation Board's list of rehabilitation specialists.

The 1988 legislation provided a one-year period, until June 30, 1989, for persons who had been providing rehabilitation services to obtain the required certification. CSSB 51 would extend the time period for obtaining certification by an additional three years. At this time, the Department is aware of four individuals who will not be able to meet the certification requirements by the June 30, 1989 deadline.

The Department has no objection to this extension which will provide those who have been providing rehabilitation services the additional time needed to meet the certification requirements.

APPROVED:


Jim Sampson, Commissioner
Department of Labor

POSITION PAPER/Department of Labor

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 51 (HESS)
PUBLISH DATE: _____

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Labor
 Title: "An Act extending the time period...
 to become a...workers' compensation...specialist..." BRU: Workers' Compensation
 Sponsor: Duncan & Kerttula Components: _____
 Requestor: Senate HESS Workers' Compensation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Jacquelyn McClintock Phone: 465-2790
 Division: Workers' Compensation Date: 2/7/89
 Approved by Commissioner: Jim Sampson Date: 2/7/89
 Agency: Department of Labor

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Alaska State Legislature



SENATOR JIM DUNCAN

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M E M O R A N D U M

FEBRUARY 8, 1989

TO: SENATOR DICK ELIASON, CHAIR
SENATE LABOR AND COMMERCE COMMITTEE

FROM: ~~SENATOR JIM DUNCAN~~

SUBJECT: CS SENATE BILL 51 (HESS), AN ACT EXTENDING THE TIME FOR A PERSON TO BECOME A CERTIFIED WORKERS' COMPENSATION REHABILITATION SPECIALIST, AND PROVIDING FOR AN EFFECTIVE DATE.

I REQUEST THAT YOU SCHEDULE CSSB 51 (HESS), EXTENDING THE TIME FOR A PERSON TO BECOME A CERTIFIED WORKERS' COMPENSATION REHABILITATION SPECIALIST FOR A HEARING AS SOON AS POSSIBLE.

A PROBLEM HAS ARISEN FOR A CONSTITUENT OF MINE AS THE RESULT OF THE RECENTLY REVISED WORKERS' COMPENSATION STATUTES. SECTION 47 OF CHAPTER 79, SLA 1988, ALLOWS A ONE YEAR GRACE PERIOD FOR PRACTICING REHABILITATION SPECIALISTS TO CONTINUE WITHOUT THE REQUIRED CERTIFICATION FROM JULY 1, 1988 TO JUNE 30, 1989. AFTER THAT PERIOD, CURRENTLY PRACTICING REHABILITATION SPECIALISTS WILL NOT BE ALLOWED TO CONTINUE IN THEIR WORK UNLESS THEY ARE CERTIFIED BY THE INSURANCE REHABILITATION SPECIALISTS COMMISSION.

IN PARTICULAR, A CONSTITUENT OF MINE OWNS A LOCAL REHABILITATION SERVICE AND HAS WORKED AS A VOCATIONAL REHABILITATION COUNSELOR SINCE JANUARY 1, 1984. TO MEET THE BACHELORS DEGREE REQUIREMENT FOR A CATEGORY TWO REHABILITATION SPECIALIST, SHE IS NOW TAKING 17 CREDIT HOURS IN ADDITION TO CONTINUING HER WORK AS A REHAB SPECIALIST. AT THE TIME OF ENACTMENT OF THE LEGISLATION, SHE STILL NEEDED TWO YEARS TO ATTAIN HER BACHELOR'S DEGREE. THIS MEANS THAT ON JUNE 30, 1989, SHE WILL BECOME INELIGIBLE TO CONTINUE HER WORK AS A REHABILITATION SPECIALIST IN SPITE OF THE FACT THAT SHE IS DOING AN EXCELLENT JOB AND HAS REFERENCES WHICH BEAR THIS OUT.

CS SB 51 (HESS) WILL EXTEND THE GRACE PERIOD TO ATTAIN CERTIFICATION UNTIL JUNE 30, 1992, BUT ONLY FOR INDIVIDUALS WHO WERE ACTIVELY EMPLOYED FOR AT LEAST ONE YEAR BEFORE JUNE 30, 1988 AS REHABILITATION SPECIALISTS.

SENATE BILL 51
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THE HESS COMMITTEE SUBSTITUTE MAKES TWO MAJOR CHANGES TO THE BILL. ONE, IT CHANGES THE TITLE SO THAT IT REFERS TO EXTENDING THE TIME PERIOD TO BECOME A CERTIFIED WORKERS COMPENSATION REHABILITATION SPECIALIST. SECOND, THE REQUIREMENTS CONTAINED IN THE ORIGINAL VERSION OF THE BILL ON LINES 18 THROUGH 21 ARE DELETED. THE WORKERS' COMPENSATION BOARD TESTIFIED THAT THEY ARE SATISFIED WITH THE COMPETENCY OF THE FOUR INDIVIDUALS AFFECTED BY THIS BILL, SO THE VERIFICATION THAT THEY ARE ACTIVELY PURSUING CERTIFICATION AS WORKERS' COMPENSATION SPECIALISTS AND THE LETTERS OF RECOMMENDATION BY OTHERS WILL NOT BE NECESSARY.

ATTACHMENTS

January 20, 1989

RECEIVED

FFB 3 1989

SENATOR TIM KELLY
SENATE PRESIDENT

Senator Duncan
Alaska State Legislature
Room 119, Capital
P.O. Box V
Juneau, AK 99811

Dear Senator:

We received your request for the labor-management Workers' Compensation task force to review your proposed legislation. We apologize for taking so long to reply but holidays, vacations, sickness and having to contact everyone individually by phone because we couldn't establish a convenient meeting date, has caused a lengthier process than anticipated.

As you know developing legislation took the labor-management committee eighteen months. We had several major goals but our main concern was to benefit the injured worker, providing a fast, speedy remedy that had been lost over the years. We were especially interested in ensuring that the dollars paid by employers went to benefit the workers and not service providers.

Vocational rehabilitation was a key area of concern; with both labor and management complaining the system was not working. It was our intent to create a system that utilized skilled professional people to assist our injured workers in their return to the work place. We, therefore, through the suggestion of vocational rehabilitation specialists in Alaska, decided to use a national standard for professional certification.

We knew at the time that there might be a few individuals currently practicing vocational rehabilitation that would be negatively impacted by this choice. However our goal was to consider the injured worker first. We also recognized that we had to focus on the good of the many not the few.

When the legislation was in hearing in the House with Representative Donnelly's Labor and Commerce Committee, Representative Collins brought the question of "grandfathering-in" current rehab providers. We had not intended to grandfather any providers but considered her proposal in light of its basic fairness. Representative Hudson was particularly concerned about one of his constituents Denise Van Der Pol who was pursuing rehab certification. The Labor and Commerce Committee considered one year, two year and three year grandfathering. After testimony to the committees and discussion with Hudson and Van Der Pole it was concluded and agreed that everyone could live with a one year grandfathering provision.

We find it surprising that a year later a single individual who was included in the original decision should be complaining about the agreement. We are not aware of any other individuals that have been unfairly impacted by this statute.

We feel that the statute should be allowed at least a year to be tested. It is premature we think to conclude that it isn't working. We also feel that since only one individual seems to have a complaint that it is much more important to be concerned about the majority.

Although we certainly appreciate your concern as a legislature for your constituency; we feel strongly that the injured workers in Alaska are the overriding concern. We feel the need is to guarantee to injured workers a level of professional competency in their rehabilitation specialist. We therefore must tell you we can't support your proposed legislation. We thank you very much for requesting our opinion.

Sincerely,



Mary Pierce
Co-Chair



Robert Anders
Co-Chair

cc: Senator Tim Kelly
Jacquelin McClintock
Representative Dave Donnelly