

WAC 296-19A-270 In what situation(s) can the department take corrective action(s)? (1) Reasons the department can order corrective actions against a vocational rehabilitation provider include, but are not limited to, the following:

(a) Charging the department for services that do not contribute to the completion of a vocational referral, including, but not limited to:

(i) Preparation and submission of job analyses during plan development for jobs that are beyond the worker's documented or expected capacities and physical abilities as demonstrated by the medical information in the file at the time the job analysis was performed;

(ii) Preparation and submission of job analyses or labor market surveys during early intervention or assessment that are not supported by the injured worker's education, work history and/or transferable skills as demonstrated by the information in the file at the time the job analysis and/or labor market survey was performed;

(iii) Hand delivery of records when other less expensive means of delivery are reasonably appropriate and available;

(b) Commission of an act involving moral turpitude, dishonesty, or corruption relating to the provision of vocational rehabilitation services whether the act constitutes a crime or not;

(c) Misrepresentation or concealment of a material fact in obtaining a department provider number, or in response to any request for information about service delivery made by the department;

(d) Provision of vocational rehabilitation services without having a department provider number;

(e) Use of persons that do not possess a department provider number to deliver vocational rehabilitation services;

(f) Operation of a vocational firm, partnership, corporation, or other legal entity in violation of the business requirements set forth in RCW, WAC, or written department policy;

(g) Use of false, fraudulent, or misleading advertising;

(h) Commission of any incompetent or negligent action which presents the significant risk of resulting in harm to an industrially injured or ill worker, the referral source, or an employer;

(i) Submission of a false or misleading report or document as part of delivering vocational rehabilitation services;

(j) Failure to supervise a vocational rehabilitation intern in accordance with RCW, WAC, or written department policy;

(k) Failure to comply with any order issued by the department;

(l) Disclosure of confidential information on vocational rehabilitation services to a person who is not entitled to it;

(m) Unauthorized disclosure of confidential claim information, including, but not limited to, private health care information;

(n) Charges an industrially injured or ill worker or employer a fee for delivering vocational rehabilitation services on a referral from the referral source; and

(o) Bills an industrially injured or ill worker or state fund employer for providing services under the Industrial Insurance Act.

(2) The department can take corrective action(s) for other violations of RCW, WAC, or written department policy not specifically mentioned above.

[Statutory Authority: RCW 51.04.020, 51.04.030, 51.32.095, 51.36.100, 51.36.110. WSR 03-11-009, § 296-19A-270, filed 5/12/03, effective 2/1/04; WSR 00-18-078, § 296-19A-270, filed 9/1/00, effective 6/1/01.]