

**WAC 296-16-145 Who must confirm the worker has returned to work that is consistent with the worker's limitations and physical restrictions?**

(1) Preferred worker benefits for a worker with a date of injury on or after January 1, 2025, are only available when the offered job is approved by a credentialed vocational rehabilitation professional who meets the qualifications in WAC 296-19A-210. The final determination must be made by the department's credentialed vocational rehabilitation professional, who may make a referral to an independent credentialed vocational rehabilitation professional for an on-site job analysis or other evaluation that may be necessary to confirm the job is appropriate for the worker's restrictions.

(2) Preferred worker benefits for a worker with a date of injury prior to January 1, 2025, are only available when the offered job is approved by:

(a) A credentialed vocational rehabilitation professional who meets the qualifications in WAC 296-19A-210; and

(b) The injured worker's health care provider.

(3) For the purposes of this chapter, the injured worker's health care provider is defined as:

(a) The attending provider; or

(b) The current primary care provider; or

(c) In cases of diagnosed and accepted mental health conditions, the treating psychiatrist or psychiatric advanced registered nurse practitioner or, if there is no treating psychiatrist or psychiatric advanced registered nurse practitioner, the treating psychologist.

(4) The final determination in subsection (2) of this section must be made by the department's credentialed vocational rehabilitation professional, who may make a referral to an independent credentialed vocational rehabilitation professional for an on-site job analysis or other evaluation that may be necessary to confirm the job is appropriate for the worker's restrictions.

[Statutory Authority: RCW 51.04.020(1). WSR 24-23-080, s 296-16-145, filed 11/19/24, effective 1/1/25. Statutory Authority: RCW 51.04.020, 51.04.030, and 2015 c 137. WSR 16-13-116, § 296-16-145, filed 6/21/16, effective 7/22/16.]