

Rule 6A-22.001 is amended to read:

6A-22.001 Definitions

(1) "Cooperative working agreement" means a written contractual agreement between the Department and a qualified rehabilitation provider or a public or private agency to provide comprehensive reemployment services such as on-the-job training development, job placement and follow up.

(2) "Customary residence" is the injured employee's place of permanent residence.

(3) "Customary vicinity" is the distance traveled by the injured employee from his customary residence to his place of employment at the time of injury.

(4) "Education program" means a formal course of study or a certificate program in a training and education facility, agency or institution operating under Chapters 1004, Parts II, III, and IV, 1005, 239, Part II, 240, Parts II and III or 246, F.S., or a career and technical education program defined in Section Chapter 1003.01(4)(c), ~~228.041(22)(c), F.S.~~ Florida Statutes (1997), which states: "At the post secondary education level, courses of study that provide ~~vocational~~ competencies needed for entry into specific occupations or for advancement within an occupation." Outside of the State of Florida, an education program shall be approved as governed by comparable statutes of that state.

(5) "Ergonomic job analysis" is the objective study of the

relationship among job demands, environmental conditions and human functional characteristics.

(6) "Good cause" is termination resulting from employee conduct:

(a) Evincing such willful or wanton disregard of an employer's interests as is found in deliberate violation or disregard of standards of behavior which the employer has the right to expect of his employee; or

(b) Carelessness or negligence of such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or to show an intentional and substantial disregard of an employer's interests or of the employee's duties and obligations to his employer.

(7) "Individualized written rehabilitation program" (IWRP) is an individualized written rehabilitation program as defined in the Rehabilitation Act of 1973, 29 U.S.C. §§ 701, et seq.

(8) "Labor market" means an area not to exceed a 50 mile radius of the injured employee's customary vicinity.

(9) "On-the-job training (OJT) contractor" is a qualified rehabilitation provider or employee of a public or private agency which has entered into a cooperative working agreement with the Department for the provision of on-the-job development and follow-up services.

(10) "On-the-job training (OJT) contract" is a contract

between an employer, injured employee and the Department in which an employer agrees to hire an injured employee subject to the same working conditions and benefits as all other similarly situated employees. Pursuant to the contract, the employer shall provide training and adequate supervision to enable the injured employee to achieve predetermined competencies to ensure a return to suitable gainful employment with the contract employer at the end of the contract period.

(11) "Rehabilitation Company" means a business entity such as a corporation, or partnership, or sole proprietorship which employs or contracts to provide services pursuant to Section 440.491, F.S. Florida Statutes. All services provided by a carrier or a rehabilitation company under Section 440.491, Florida Statutes, shall be provided only by an individual who is a qualified rehabilitation provider or a facility that is a qualified rehabilitation provider. Neither the employment status of the person providing the services, nor the main method of communication in providing the services negates the statutory requirement that a person providing such services must be a qualified rehabilitation provider.

(12) "Rehabilitation Facility" means an institution or agency accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF) for a specific vocational rehabilitation program.

(13) "Test-site" is a Department approved location that may be inspected by the Department, to be used by a qualified rehabilitation provider for vocational evaluation and assessment services.

~~(14) "Trial period of reemployment" is a period of employment to validate whether an injured employee who has been determined to be permanently and totally disabled has been rehabilitated to the extent that he has reestablished an earning capacity.~~

(14) ~~(15)~~ "Vocational evaluator" is a qualified individual employed by the Department or who holds the designation of a certified vocational evaluator and is approved by the Department to perform vocational evaluations.

(15)~~(16)~~ "Vocational specialist" means an individual who possesses:

- (a) A master's degree in vocational rehabilitation (counseling, evaluation, adjustment); or
- (b) Is certified by the Commission on Rehabilitation Counselor Certification, or by the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists; and
- (c) Is employed by a CARF-accredited facility.

Specific Authority 440.491(5), (6), (7), (8) FS. Law Implemented 440.491 F.S. History-New 7-1-96, Amended 2-9-00, 6-26-01. Formerly 38F-55.001, Amended