

Rule 6A-22.008 is amended to read:

6A-22.008 Reemployment Services and Programs.

(1) The Department shall approve sponsorship of reemployment services provided through an on-the-job training program, vocational assessment, job placement or a training and education program when recommended and approved as part of a Department reemployment plan.

(2) The Department will approve and sponsor retraining services if:

(a) The vocational evaluation is completed by a Department approved vocational evaluator, and

(b) The vocational evaluation contains the information identified in Rule 6A-22.010(2)(e), F.A.C.; and

(c) The vocational evaluation demonstrates that the injured employee:

1. Has no transferable skills which would allow for return to suitable gainful employment with the same employer, same job; same employer, different or modified job; new employer, same job; new employer, modified or different job; or

2. Requires additional Department sponsored reemployment services to enable the injured employee to return to suitable gainful employment.

(3) The Department shall sponsor retraining programs which exceed 52 weeks only when there is no program shorter than 52

weeks which would enable the injured employee to return to suitable gainful employment, the injured employee provides a plan for living expenses during the period in excess of 52 weeks, and one of the following conditions apply:

(a) The injured employee has no formal marketable vocational training and education; or

(b) The injured employee has documented physical restrictions as a result of the injury.

(4) If the Department determines a training program is necessary to return an injured employee to suitable gainful employment, the Department shall have the exclusive right to determine the educational programs and facilities at which to sponsor the injured employee.

(a) For all dates of accidents, training programs which only accept students from an applicant pool after the students complete a prerequisite curriculum may be approved only if the injured employee presents evidence of acceptance into such program.

(b) For dates of accident October 1, 1989 through and including September 30, 2003, training ~~Training~~ at private education facilities shall not be approved unless such recommended training is not offered at a public educational facility or provides an overall cost/time savings to the Workers= Compensation System, which can be justified.

~~(b) Training programs which only accept students from an applicant pool after the students complete a prerequisite curriculum may be approved only if the injured employee presents evidence of acceptance into such program.~~

~~1.(e)~~ Baccalaureate or Graduate level studies may be approved only if the program capitalizes on prior education and/or aptitudes, and

~~2.1.~~ The program under consideration firmly establishes marketability toward suitable gainful employment for that injured employee, and

~~3.2.~~ The injured employee presents evidence of acceptance into a degree program prior to the Department's Disposition letter of approval, and

~~4.3.~~ The program does not exceed the level of a Master's degree.

(c) For dates of accident on or after October 1, 2003, only programs which are consistent with the requirements found in Section 440.491(6)(a), Florida Statutes, shall be approved.

(5) The Department shall not transfer its sponsorship of reemployment services outside the range of the labor market survey unless a labor market survey for the new area supports the specific recommendation of the vocational evaluation.

(6) The Department shall not sponsor reemployment services if the vocational evaluation does not recommend reemployment

services.

Specific Authority 440.491(5), (6) FS. Law Implemented 440.491
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55.011, Amended