

Rule 6A-22.006 is amended to read:

6A-22.006 Screening Process.

(1) No change.

(2) The screening process shall consist of:

(a) A review of all available medical and vocational documentation relevant to the compensable injury to determine whether the injured employee is able to perform the duties of the pre-injury occupation; and

(b) A review of the documentation which supports the payment of temporary partial disability and wage loss benefits to determine the injured employee's inability to obtain suitable gainful employment because of his injury; and

(c) An interview with the injured employee.

(d) A vocational assessment. The vocational assessment shall determine the relevance and weight of the following factors in the case: the permanent physical restrictions, if any, present in the case; the availability of employment with the employer at the time of the injury; the injured employee's transferable skills and the labor market; whether the injured employee conducted an unsuccessful job search, and the reasons the job search was unsuccessful; the injured employee's education and academic skills and vocational education; the injured employee's motivation; the injured employee's financial ability to complete training; and the availability of transportation to allow the

injured employee to complete training. The vocational assessment shall determine whether the injured employee is ineligible to receive reemployment services, or is eligible to receive reemployment services. If the injured employee is eligible to receive services, the vocational assessment shall determine which of the following shall be offered to the injured employee: placement, and/or on-the-job training, and/or an evaluation, and/or a re-training program costing less than \$2,500 and lasting six (6) months or less.

(e) A rehabilitation counselor or vocational evaluator providing vocational assessments shall:

1. conduct an initial interview with the injured employee;
2. submit to the Department within thirty (30) calendar days of the initial interview a written report which shall address each of the vocational assessment factors enumerated above and discuss how the provision of the recommended service(s) will facilitate reemployment;
3. conduct an exit interview with the injured employee; and
4. submit to the Department within ten (10) days of submission of the written report a statement of acknowledgement of the vocational assessment signed by the injured employee and the rehabilitation counselor or vocational evaluator.

(3) through (4) No change.

(5) The Department may provide the following vocational assessment services as part of the screening process to determine eligibility: orientation, employability skills training, counseling, vocational testing, transferable skills analysis, labor market surveys, vocational assessment services, job analysis and evaluation.

(5) through (6) renumbered (6) through (7). No change.

(8)~~(7)~~ Following a Department screening the Department shall not provide any additional reemployment services or refer the injured employee for a vocational evaluation:

~~(a) If the injured employee has filed a claim for permanent total disability benefits under Section 440.15(1), F.S., which the carrier has denied, wherein either the injured employee's medical condition or vocational capabilities are in dispute, until such time as an Office of the Judge of Compensation Claims adjudicates the injured employee's claim; or~~

(a)~~(b)~~ If the injured employee's medical condition is unresolved or unstable, until such time as the medical condition becomes stable; or

(b)~~(e)~~ If the injured employee has reached maximum medical improvement and returned to and maintained suitable gainful employment for at least ninety (90) calendar days; or

(c)~~(d)~~ If the injured employee refuses to accept reemployment services from the Department.

(9)~~(8)~~ The Department shall not refer the injured employee for a vocational evaluation if the injured employee:

(a) Has returned to suitable gainful employment as a result of placement services provided by the Department; or

(b) Has no documented permanent physical restrictions related to the injury; or

(c) Has transferable skills which would allow return to work in suitable gainful employment; or

(d) Was terminated by the employer for good cause unrelated to the injury or any restrictions or limitations resulting therefrom; or

(e) Terminated suitable gainful employment for reasons unrelated to the injury.

Specific Authority 440.491~~(5)~~, (6) FS. Law Implemented 440.491 FS. History-New 7-1-96, Amended 6-26-01, Formerly 38F-55.009, Amended 5-5-04, _____.