

HOUSE BILL NO. 5190

October 30, 2025, Introduced by Reps. Miller, Rheingans, Arbit, Weiss, T. Carter, Pohutsky, Brixie, MacDonell, Xiong, Wilson, Conlin, Mentzer, B. Carter, Price, Dievendorf, Paiz, Morgan, McFall, Hope, Longjohn, Byrnes, Andrews, Tsernoglou, Hoskins, Young, Skaggs, Myers-Phillips and McKinney and referred to Committee on Economic Competitiveness.

A bill to amend 1969 PA 317, entitled
"Worker's disability compensation act of 1969,"
by amending section 319 (MCL 418.319), as amended by 2011 PA 266.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 319. (1) An employee who ~~has suffered~~**suffers** an injury
2 covered ~~by~~**under** this act ~~shall be~~**is** entitled to prompt medical
3 rehabilitation services.

4 (2) ~~When~~**If**, as a result of ~~the~~**an** injury ~~he or she is unable~~
5 ~~to perform~~**covered under this act, an employee has any limitation**

1 ~~in obtaining or performing work for which he or she has previous~~
 2 ~~that is suitable to the employee's qualifications and training, or~~
 3 ~~experience, the employee shall be~~ **is** ~~entitled to such vocational~~
 4 ~~rehabilitation services, including retraining and job placement, as~~
 5 ~~may be reasonably necessary to restore him or her~~ **the employee** ~~to~~
 6 ~~useful employment.~~ **a remunerative occupation commensurate with the**
 7 **employee's wage-earning capacity before the injury.**

8 (3) If ~~such vocational rehabilitation~~ services are not
 9 voluntarily offered and accepted, the director on ~~his or her~~ **the**
 10 **director's** own motion or upon application of the employee, carrier,
 11 or employer, after affording the parties an opportunity to be
 12 heard, may refer the employee to an agency-approved ~~facility~~
 13 **vocational rehabilitation provider for a vocational** evaluation of
 14 the need for, and **the** kind of, service, treatment, or training
 15 necessary and appropriate to render the employee fit for a
 16 remunerative occupation **described in subsection (2).**

17 (4) If an employee is referred to an agency-approved
 18 vocational rehabilitation provider under subsection (3), the
 19 provider shall gather and analyze relevant information about the
 20 employee, including, but not limited to, all of the following, in
 21 order to conduct a vocational evaluation and, if appropriate and
 22 subject to subsection (6), develop an individualized vocational
 23 rehabilitation plan for the employee:

- 24 (a) Educational history.
- 25 (b) Medical history.
- 26 (c) Vocational history.
- 27 (d) Interests.
- 28 (e) Aptitudes.
- 29 (f) Vocational assessment results.

1 (5) The vocational evaluation described in subsection (4) must
2 include a face-to-face meeting with the employee.

3 (6) An individualized vocational rehabilitation plan developed
4 under subsection (4) must meet all of the following requirements:

5 (a) Be in writing.

6 (b) Be mutually developed by an agency-approved vocational
7 rehabilitation provider and the employee.

8 (c) Provide a detailed outline of goals, objectives,
9 responsibilities, and services necessary for the employee's
10 successful vocational rehabilitation.

11 (d) Be specific to the employee.

12 (e) Determine the feasibility of returning the employee to a
13 remunerative occupation described in subsection (2) considering the
14 following return-to-work hierarchy:

15 (i) The same job with the same employer.

16 (ii) A modified job with the same employer.

17 (iii) A different job with the same employer.

18 (iv) The same job with a different employer.

19 (v) A different job with a different employer.

20 (vi) Self-employment.

21 (7) The agency-approved vocational rehabilitation provider
22 shall review the individualized vocational rehabilitation plan on a
23 regular basis with the employee and update the plan as
24 circumstances require.

25 (8) Upon receipt of ~~such report,~~ the vocational evaluation,
26 the director may order that the training, ~~services,~~ ~~treatment,~~ or
27 ~~treatment-service~~ recommended in the ~~report~~ ~~evaluation~~ be provided
28 at the expense of the employer. The director may order that any
29 employee participating in vocational rehabilitation ~~shall~~ **must**

1 receive additional payments for transportation or any extra and
 2 necessary expenses during the period and arising out of ~~his or her~~
 3 **the employee's** program of vocational rehabilitation. Vocational
 4 rehabilitation training, treatment, or service ~~shall must~~ not
 5 extend for a period of more than ~~52-208~~ weeks, except ~~in cases~~
 6 ~~when, by special order of that~~ the director, after review, ~~the~~
 7 ~~period and as the director determines to be appropriate,~~ may be
 8 ~~extended for an additional 52 weeks or portion thereof. order that~~
 9 **additional periods of training, treatment, or service for**
 10 **educational or vocational training be completed at a state or**
 11 **federal accredited vocational rehabilitation program.** If there is
 12 an unjustifiable refusal **by an employee** to accept **vocational**
 13 rehabilitation ~~pursuant to~~ **in accordance with** a decision of the
 14 director, the director shall order a loss or reduction of
 15 compensation in an amount determined by the director for each week
 16 of the period of refusal, except for specific compensation payable
 17 under section 361(1) and (2).

18 (9) ~~(2)~~ A party may appeal an order of the director under
 19 ~~subsection (1)~~ **this section** to the ~~Michigan workers' disability~~
 20 ~~compensation appellate appeals~~ commission ~~within not later than~~ 15
 21 days after the order is mailed to the parties.

22 (10) As used in this section, "agency-approved vocational
 23 rehabilitation provider" means a person, firm, partnership,
 24 corporation, or other legal entity that satisfies all of the
 25 following requirements:

26 (a) Submits an application on a form and in the manner
 27 prescribed by the agency.

28 (b) Meets minimum standards as a vocational counselor as
 29 prescribed by the agency.

1 (c) Is approved by the agency.