

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 1/5/23 RRP Meeting; draft subject to change.

1 **5220.0100 DEFINITIONS.**

2 **Subp. 23. Qualified rehabilitation consultant.** “Qualified rehabilitation consultant” means a person
3 who is professionally trained and experienced and who is registered by the commissioner according to
4 part 5220.1510 to provide a rehabilitation consultation and to develop and implement an appropriate
5 plan of rehabilitation services for an employee entitled to rehabilitation benefits under Minnesota
6 Statutes, section 176.102.

7
8 **Subp. 23a. Qualified rehabilitation consultant intern.** “Qualified rehabilitation consultant intern”
9 means a person who is in training and registered by the commissioner according to part 5220.1410 to
10 provide a rehabilitation consultation and to develop and implement an appropriate plan of rehabilitation
11 services for an employee entitled to rehabilitation services under Minnesota Statutes, section 176.102,
12 under the direct supervision of a qualified rehabilitation consultant intern supervisor.

13
14 **Subp. 23b. Qualified rehabilitation consultant intern supervisor.** “Qualified rehabilitation consultant
15 intern supervisor” means a person who provides direct supervision, guidance, and work experience to a
16 qualified rehabilitation consultant intern for the successful completion of the internship according to part
17 5220.1410.

18
19 **Subp. 24. Qualified rehabilitation consultant firm.** “Qualified rehabilitation consultant firm” means a
20 public or private business, whether organized as a sole proprietorship, partnership, association,
21 corporation, or other form, which is registered by the commissioner according to part 5220.1610 and
22 held out to the public as a business entity engaged in rehabilitation consultation and services.

23
24 **Subp. 25. ~~Registered rehabilitation~~ Rehabilitation vendor.** “~~Registered rehabilitation~~ Rehabilitation
25 vendor” means a public or private entity registered by the commissioner according to part 5220.1710
26 and existing wholly or in part for the provision of rehabilitation services in accord with an approved
27 rehabilitation plan.

28
29 **Subp. 28. Rehabilitation provider.** “Rehabilitation provider” means the following four categories of
30 rehabilitation professionals:

- 31 A. qualified rehabilitation consultants;
- 32 B. qualified rehabilitation consultant interns;
- 33 C. qualified rehabilitation consultant firms; and
- 34 D. ~~registered-rehabilitation~~ vendors.

35
36 **5220.0107 SERVICE AND FILING OF REHABILITATION DOCUMENTS; COUNTING**
37 **DAYS.**

38
39 **Subp. 2. Filing with state.** A document is filed upon its receipt by the division by 4:30 p.m.
40 on an open state business day. Documents received after 4:30 p.m. are considered filed on the next open
41 state business day. ~~A party is authorized to file a document with the division by facsimile if the~~
42 ~~document is 15 pages or less in length.~~ A party may file a document by electronic transmission only as
43 authorized by the division. The ~~filed facsimile~~ or authorized electronically transmitted information has
44 the same force and effect as the original. Where the quality or authenticity of a document filed by
45 ~~facsimile~~ or electronic transmission is at issue, the division may require the original document to be

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46 filed. When the quality or authenticity of a document filed by ~~facsimile or~~ electronic transmission is not
47 at issue, the party shall not also file the original document.

48
49 **5220.0410 REHABILITATION PLAN.**

50
51 **Subp. 9. Administration of plan.** All rehabilitation services shall be provided to an employee pursuant
52 to Minnesota Statutes, section 176.102, as stated in the rehabilitation plan and any subsequent
53 amendments, and shall be administered exclusively by a person or business entity registered and
54 approved by the commissioner as a qualified rehabilitation consultant or a qualified rehabilitation
55 consultant firm.

56
57 The assigned qualified rehabilitation consultant shall monitor ~~registered~~ rehabilitation vendor
58 compliance with the rehabilitation plan.

59
60 Job development and job placement services shall be provided either by rehabilitation providers
61 registered by the commissioner or by a facility accredited by the National Commission on Accreditation
62 of Rehabilitation Facilities (CARF), Tucson, Arizona. The CARF Directory of Accredited Organizations
63 Serving People with Disabilities and its Standards Manual for Organizations Serving People with
64 Disabilities are incorporated by reference in part 5220.0105. The insurer may select the vendor of job
65 development or job placement services.

66
67 **5220.0450 PLAN PROGRESS REPORT.**

68
69 **Subp. 4. Commissioner’s actions.** Based on the information contained in the current plan progress
70 report and in other reports available to the commissioner, the commissioner may perform a more
71 thorough review of the rehabilitation effort. The purpose of the commissioner's review is to determine if
72 the plan is adequate to carry out the objectives of rehabilitation under Minnesota Statutes,
73 section 176.102, subdivision 1, paragraph (b). The commissioner's review may include, but is not
74 limited to the following:

- 75
76 A. requesting additional information from the assigned qualified rehabilitation consultant, the
77 qualified rehabilitation consultant firm, and the ~~registered~~ rehabilitation vendor;
78 B. conducting an on-site inspection during normal business hours of the assigned qualified
79 rehabilitation consultant's records for documentation of service provision according to the
80 rehabilitation plan; and
81 C. other actions pursuant to Minnesota Statutes, section 176.102, subdivision 6, paragraph (b), and
82 parts 5220.1800 to 5220.1806.

83
84 **5220.0510 PLAN AMENDMENT AND CLOSURE.**

85
86 **Subp. 3. Requirements.** The rehabilitation plan amendment shall be filed on the form prescribed by the
87 commissioner. The prescribed form shall contain substantially the following:

- 88 A. identifying information on the employee, employer, insurer, the assigned qualified rehabilitation
89 consultant, and any change of qualified rehabilitation consultant;
90 B. the proposed amendment;

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- 91 C. a rationale for the amendment;
- 92 D. if the amendment adds rehabilitation services, an itemization of each additional rehabilitation
- 93 service to be provided including any ~~registered~~ rehabilitation vendor names, dates of initiation
- 94 and completion, and estimated costs of each service;
- 95 E. if the amendment will result in a change in the projected plan completion date, the new
- 96 completion date;
- 97 F. if the amendment will result in a change in the projected plan cost, the new estimated cost;
- 98 G. employee comments, if any; and
- 99 H. the dated signatures of the employee, insurer, and assigned qualified rehabilitation consultant.

100
101 **5220.1250 ROLES OF REGISTERED REHABILITATION PROVIDERS.**

102 An entity may be approved to provide rehabilitation services either as a ~~registered~~ rehabilitation vendor

103 or as a qualified rehabilitation consultant firm. An individual may be approved to provide rehabilitation

104 services as a qualified rehabilitation consultant intern or, in cases of completion of internship and

105 registration renewal, as a qualified rehabilitation consultant.

106
107 A qualified rehabilitation consultant and a qualified rehabilitation consultant intern are approved

108 for the purpose of developing, administering, and implementing a rehabilitation plan, including the

109 provision of rehabilitation services, in accordance with Minnesota Statutes, chapter 176 and the rules

110 adopted to administer it.

111
112 A qualified rehabilitation consultant firm is approved for the purpose of employing qualified

113 rehabilitation consultants, qualified rehabilitation consultant interns, and other professional staff as

114 provided in part ~~5220.1600~~ 5220.1610.

115
116 A ~~registered~~ rehabilitation vendor is approved for the purpose of providing the workers’

117 compensation rehabilitation services of job development and job placement, vocational testing, job

118 seeking skills, labor market survey, post-placement follow-up, and transferrable skills analysis under an

119 approved rehabilitation plan.

120
121 The roles of vendor and consultant are distinct and, therefore, a ~~registered~~ rehabilitation vendor

122 or its employee may not be, or function as, a qualified rehabilitation consultant firm, a qualified

123 rehabilitation consultant, or a qualified rehabilitation consultant intern. Nor may a qualified

124 rehabilitation consultant firm, qualified rehabilitation consultant, or qualified rehabilitation consultant

125 intern be or function as a ~~registered~~ rehabilitation vendor or as the agent of a vendor.

126
127 The distinction of roles between ~~registered~~ rehabilitation vendor and qualified rehabilitation

128 consultant means the following: A ~~registered~~ rehabilitation vendor and its employees may provide job

129 development and job placement services under an approved rehabilitation plan for any qualified

130 employee; a qualified rehabilitation consultant firm and its employees may provide job development and

131 job placement services only in cases for which a qualified rehabilitation consultant or qualified

132 rehabilitation consultant intern employed by that firm is the assigned qualified rehabilitation consultant.

133

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134 There shall be no ownership or financial relationships of any kind between any registered
135 rehabilitation vendor and qualified rehabilitation consultant firm, qualified rehabilitation consultant, or
136 qualified rehabilitation consultant intern.
137

138 The commissioner shall review the professional activities and services of rehabilitation providers
139 to determine if they are reasonable and comply with the standards of performance and professional
140 conduct contained in parts 5220.1800 and 5220.1801, the provisions of Minnesota Statutes, chapter 176,
141 parts 5220.0100 to 5220.1900, and orders issued under the statutes or rules.
142

143 **5220.1410 QUALIFIED REHABILITATION CONSULTANT INTERNS AND SUPERVISORS:**
144 **REQUIREMENTS AND PROCEDURES FOR REGISTRATION.**
145

146 **Subpart 1. Requirements and application to become a qualified rehabilitation consultant intern.**

147 For registration as a qualified rehabilitation consultant intern, the applicant must meet the following
148 requirements:

- 149 A. A qualified rehabilitation consultant intern must be employed by a qualified rehabilitation
150 consultant firm.
- 151 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
152 complete application for qualified rehabilitation consultant intern registration that includes:
 - 153 1. The applicant’s name, phone number, home address, designated mailing address (if different
154 from the home address), and email address;
 - 155 2. The applicant’s social security number or individual taxpayer identification number and
156 Minnesota business identification number, as applicable, as required by Minnesota Statutes,
157 section 270C.72, subdivision 4;
 - 158 3. The name of the qualified rehabilitation consultant firm that will employ the applicant and
159 the name, phone number, and email address of the applicant’s qualified rehabilitation
160 consultant intern supervisor;
 - 161 4. The projected date by which the applicant will obtain one of the certifications listed in
162 subpart 3, item M, or a master’s degree under subpart 3, item N;
 - 163 5. A list of languages other than English that the applicant wants to be identified as proficient in
164 for providing rehabilitation services;
 - 165 6. Agreement to notify the department within two weeks of any change in rehabilitation firm
166 employment status;
 - 167 7. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
168 from the Minnesota border; and
 - 169 8. The \$140 application fee.
- 170 C. The application must include a plan of supervision that contains a declaration signed by the
171 supervisor that the supervisor will comply with all of the requirements in subpart 4.
- 172 D. The applicant must attest that all information in the application is true.
173

174 **Subp. 2. Approval or denial of qualified rehabilitation consultant intern registration.**

- 175 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant
176 intern registration, the commissioner must approve or deny the application and notify the
177 applicant whether the application is approved or denied.

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- 178 B. If the application is approved, the commissioner shall assign a registration number to the
179 qualified rehabilitation consultant intern.
- 180 C. The following constitute grounds for denial of the application:
 - 181 1. The applicant failed to comply with the requirements in subpart 1;
 - 182 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
183 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
184 standards of performance and professional conduct for professional activities and services of
185 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
186 or
 - 187 3. The applicant has outstanding fines or penalties with the department.
- 188 D. An applicant may appeal the commissioner’s order denying an application for qualified
189 rehabilitation consultant intern registration.
- 190 E. To appeal the commissioner’s order, the applicant must file a written request for hearing with
191 the commissioner within 30 days of service of the order denying the application.
- 192 F. The request for hearing will be referred to the rehabilitation review panel according to
193 Minnesota Statutes, section 176.102, subdivision 3.
- 194 G. Qualified rehabilitation consultant intern registration expires 24 consecutive months from the
195 date that it is approved. If a person’s qualified rehabilitation consultant intern registration
196 expires before the person completes all of the requirements in subpart 3 and files an application
197 for initial registration as a qualified rehabilitation consultant, the person must reapply for
198 qualified rehabilitation consultant intern registration and restart the internship from the
199 beginning. The person must not provide rehabilitation services to injured workers if the
200 registration expires before submission of a complete renewal application or before the
201 commissioner has approved or denied the application. The person must complete the
202 requirements in subpart 3, items A to I, after the date the subsequent application for qualified
203 rehabilitation consultant intern registration is approved, and must also comply with subpart 3,
204 item J.

Subp. 3. Requirements during the internship.

206 During the internship, a qualified rehabilitation consultant intern must:

- 207 A. Comply with the provisions of Minnesota Statutes, chapter 176; Minnesota Rules, parts
208 5220.0100 to 5220.1900; and any orders issued under these statutes or rules;
- 209 B. Complete an introductory orientation training session sponsored by the department within 12
210 months of approval of qualified rehabilitation consultant intern registration;
- 211 C. Complete all of the department’s rehabilitation provider update sessions;
- 212 D. Notify the commissioner within two weeks of a change in home address, designated mailing
213 address (if different from the home address), or employment with their registered rehabilitation
214 firm;
- 215 E. Notify the department when their supervisor changes, and ensure that the new supervisor
216 provides an updated plan of supervision as required under subpart 1, paragraph C;
- 217 F. Ensure that all documents bearing the name of the intern designate the intern as a “qualified
218 rehabilitation consultant intern” and include the intern’s registration number;
- 219 G. Work as the assigned qualified rehabilitation consultant intern on 12 or more rehabilitation plans
220 under Minnesota Statutes, section 176.102;
- 221

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- 222 H. Be the rehabilitation consultant of record for at least one of each of the following complete
223 reports:
 - 224 1. Rehabilitation Consultation Report that explains the basis for the eligibility determination;
 - 225 2. Rehabilitation Plan with an initial evaluation narrative report that includes medical status,
226 vocational history, educational history, social history, relevant economic factors, transferable
227 skills, employment barriers, and recommendations;
 - 228 3. Plan Progress Report or Rehabilitation Plan Amendment with a narrative report that
229 identifies barriers to the employee’s successful completion of the rehabilitation plan and the
230 measures the intern planned to overcome each of the identified barriers; and
 - 231 4. Notice of Rehabilitation Plan Closure with a narrative summary report that includes all
232 rehabilitation plan services provided;
- 233 I. Prepare at least one of each of the following complete reports, or, if necessary due to inability to
234 complete a required report under an assigned rehabilitation plan, contact the department to
235 confirm that the intern can complete the report outside of their assigned files:
 - 236 1. A narrative report that shows the intern’s understanding of vocational testing;
 - 237 2. A narrative report that shows the intern’s understanding of a transferable skills analysis; and
 - 238 3. A labor market survey that shows the intern’s understanding of the injured employee’s
239 qualifications, work restrictions, and labor market conditions;
- 240 J. Obtain one of the following certifications by the completion of the internship:
 - 241 1. Certified Rehabilitation Counselor (CRC) from the Commission on Rehabilitation Counselor
242 Certification; or
 - 243 2. Certified Disability Management Specialist (CDMS) from the Certification of Disability
244 Management Specialist.

Subp. 4. Requirements for supervisors of qualified rehabilitation consultant interns.

247 A qualified rehabilitation consultant intern supervisor agrees to be responsible for all of the intern’s
248 rehabilitation work. During the internship, the supervisor must:

- 249 A. Review the rehabilitation statutes and rules with the intern before the intern meets with an
250 injured employee for the first time and throughout the internship as needed to ensure the intern’s
251 compliance with the statutes and rules;
- 252 B. Not bill for supervisory duties;
- 253 C. Monitor the intern’s progress towards completing the internship;
- 254 D. Attend all administrative conferences and hearings with the intern and ensure that the intern
255 reviews the rehabilitation file and is prepared to respond to questions relevant to the subject of
256 the conference, including questions about the rehabilitation plan, payment for rehabilitation
257 services, and the reasonableness and necessity of rehabilitation services; and
- 258 E. Review all written work that substantively applies to the scope of a rehabilitation plan for any
259 file assigned to the QRC intern.
- 260 F. If the intern leaves employment with the firm and will not provide additional rehabilitation
261 services, coordinate the transfer of the intern’s files so that injured employees continue to receive
262 rehabilitation services in accordance with part 5220.0710.
- 263 G. The supervisor must currently be a registered QRC with at least three years of QRC work
264 experience, excluding time as a QRC intern.

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266 **5220.1510 QUALIFIED REHABILITATION CONSULTANTS: REQUIREMENTS AND**
267 **PROCEDURES FOR REGISTRATION.**

268
269 **Subpart 1. Completion of qualified rehabilitation consultant internship and requirements to**
270 **become a qualified rehabilitation consultant.**

271 For initial registration as a qualified rehabilitation consultant, the applicant must meet the following
272 requirements:

- 273 A. A qualified rehabilitation consultant (QRC) must be employed by a qualified rehabilitation
274 consultant firm or their own QRC firm which must be registered as a QRC firm with the
275 department.
- 276 B. At the time the applicant files the initial application for qualified rehabilitation consultant
277 registration:
- 278 1. The applicant must be registered as a qualified rehabilitation consultant intern;
 - 279 2. The applicant must have been registered as a qualified rehabilitation consultant intern for at
280 least 6 months; and
 - 281 3. Within 24 months after the date the applicant most recently became registered as a qualified
282 rehabilitation consultant intern, the applicant must have completed the requirements specified
283 in part 5220.1410, subpart 3.
- 284 C. The applicant must file a complete initial application for qualified rehabilitation consultant
285 registration with the commissioner in the format prescribed that includes:
- 286 1. The applicant's name, phone number, home address, designated mailing address (if different
287 from the home address), and email address;
 - 288 2. The applicant's social security number or individual taxpayer identification number and
289 Minnesota business identification number, as applicable, as required by Minnesota Statutes,
290 section 270C.72, subdivision 4;
 - 291 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
 - 292 4. The date the applicant completed the department's orientation session;
 - 293 5. Each date the applicant completed one of the department's rehabilitation provider update
294 sessions;
 - 295 6. A list of languages other than English that the applicant wants to be identified as being
296 proficient in for providing rehabilitation services;
 - 297 7. Documentation from the applicant's qualified rehabilitation consultant intern supervisor
298 certifying that the applicant complied with each of the requirements in 5220.1410, subpart 3,
299 items F through I;
 - 300 8. Proof that the applicant has obtained one of the certifications listed in 5220.1410, subpart 3,
301 item J;
 - 302 9. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
303 from the Minnesota border; and
 - 304 10. The registration fee of \$140.
- 305 D. The applicant must attest that all information in the application is true.
- 306

307 **Subp. 2. Approval or denial of initial application.**

- 308 A. Within 60 days after receiving a complete initial application for qualified rehabilitation
309 consultant registration, the commissioner must approve or deny the application and notify the
310 applicant whether the application is approved or denied.

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- 311 B. If the application is approved, the commissioner shall assign a registration number to the
- 312 qualified rehabilitation consultant.
- 313 C. The following constitute grounds for denial of the application:
- 314 1. The applicant failed to comply with the requirements in subpart 1;
- 315 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
- 316 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
- 317 standards of performance and professional conduct for professional activities and services of
- 318 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
- 319 or
- 320 3. The applicant has outstanding fines or penalties with the department.
- 321 D. The qualified rehabilitation consultant registration expires one year from the date the application
- 322 is approved.
- 323

Subp. 3. Renewal of qualified rehabilitation consultant registration.

324 To annually renew registration as a qualified rehabilitation consultant, the applicant must meet the

325 following requirements:

326

- 327 A. A qualified rehabilitation consultant must be employed by a qualified rehabilitation consultant
- 328 firm.
- 329 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
- 330 complete renewal application for qualified rehabilitation consultant registration that includes:
- 331 1. The applicant’s name, phone number, home address, designated mailing address (if different
- 332 from the home address), and email address;
- 333 2. The applicant’s social security number or individual taxpayer identification number and
- 334 Minnesota business identification number as applicable, as required by Minnesota Statutes,
- 335 section 270C.72, subdivision 4;
- 336 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
- 337 4. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
- 338 from the Minnesota border;
- 339 5. A copy of the applicant’s certification as a Certified Rehabilitation Counselor (CRC) or a
- 340 Certified Disability Management Specialist (CDMS); and
- 341 6. The registration fee of \$140.
- 342 C. A qualified rehabilitation consultant registered with the commissioner before July 1, 2005, and
- 343 continuously registered since that date, may either continue to meet the certification
- 344 requirements in effect at the time of initial registration or meet one of the requirements in
- 345 paragraph B, subitem 6.
- 346 D. The applicant must have submitted documentation showing that they completed the department’s
- 347 most recent rehabilitation provider update session.
- 348 E. The applicant must not provide rehabilitation services to injured workers if the applicant’s
- 349 registration expires before submission of a complete renewal application or before the
- 350 commissioner has approved or denied the application pursuant to subpart 5.
- 351 F. The applicant must attest that all information in the application is true.
- 352

Subp. 4. Gap in qualified rehabilitation consultant registration.

353 To ensure there is not a gap in qualified rehabilitation consultant registration, the applicant must submit

354 the renewal application for qualified rehabilitation consultant registration at least 60 days before

355

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356 expiration of the applicant’s current registration. If an applicant’s qualified rehabilitation consultant
357 registration expired more than 12 months before the applicant files a renewal application for qualified
358 rehabilitation consultant registration, the applicant must complete the department’s orientation session
359 within 12 months before or after the applicant files the renewal application.
360

361 **Subp. 5. Approval or denial of renewal application.**

- 362 A. Within 60 days after receiving a complete renewal application for qualified rehabilitation
363 consultant registration, the commissioner must approve or deny the application and notify the
364 applicant whether the application is approved or denied.
- 365 B. The following constitute grounds for denial of the application:
- 366 1. The applicant failed to comply with the requirements in subpart 3;
 - 367 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
368 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
369 standards of performance and professional conduct for professional activities and services of
370 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
371 or
 - 372 3. The applicant has outstanding fines or penalties with the department.
- 373 C. If the commissioner denies a renewal application under item B, subitem 2, and the denial is final
374 because the qualified rehabilitation consultant did not file a timely request for hearing or a
375 hearing was timely requested and all appeals have been exhausted, another renewal application
376 may be filed only if the requirements of subitem 1 or subitem 2 are met.
- 377 1. The former qualified rehabilitation consultant may file another renewal application if the
378 applicant has entered into a stipulated agreement with the commissioner regarding the
379 violations of statute, rule, or order that were cited as the basis for denial of the renewal
380 application and the stipulation allows the former qualified rehabilitation consultant to reapply
381 after a specified period of time; or
 - 382 2. The former qualified rehabilitation consultant may file another renewal application if six
383 months have passed since the denial of the previous renewal application became final, and
384 the subsequent application is accompanied by a statement and documentation that shows
385 what the applicant has done and will do to ensure that the applicant complies with Minnesota
386 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, and any orders issued
387 under those statutes or rules.
- 388 The commissioner must approve or deny the new renewal application according to items A and
389 B of this subpart and, if applicable, after determining whether the applicant’s statement and
390 documentation in subitem 2 demonstrates that the applicant is not likely to violate Minnesota
391 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued
392 under those statutes or rules.
- 393 D. The registration expires one year from the date the applicant’s current registration was set to
394 expire, unless the applicant was not registered as a qualified rehabilitation consultant on the date
395 that the commissioner received the application, in which case the registration expires one year
396 after the application is approved.
397

398 **Subp. 6. Appeal process for denials.**

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- 399 A. An applicant may appeal the commissioner’s order denying an initial application for qualified
400 rehabilitation consultant registration or a renewal application for qualified rehabilitation
401 consultant registration.
- 402 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
403 commissioner within 30 days of service of the order denying the application.
- 404 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
405 Statutes, section 176.102, subdivision 3.
- 406 D. The filing of a timely request for hearing on an order denying a renewal application will stay the
407 effect of the denial until final disposition of the appeal.
408

5220.1610 QUALIFIED REHABILITATION CONSULTANT FIRMS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

411
412 **Subpart 1. Requirements for qualified rehabilitation consultant firms.** At all times while registered
413 with the commissioner, a qualified rehabilitation consultant firm must meet the requirement in items A
414 through I.

- 415 A. The firm must be owned by:
 - 416 1. An individual who is a qualified rehabilitation consultant; or
 - 417 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 418 B. If the firm is owned by an entity other than an individual, the management staff must include at
419 least one full-time employee who is a qualified rehabilitation consultant. An employer or insurer
420 must be registered as a qualified rehabilitation consultant firm in order to provide rehabilitation
421 services. A qualified rehabilitation consultant or qualified rehabilitation consultant intern
422 employed by an employer or insurer must only provide rehabilitation services for the claims
423 being handled by the entity by whom the qualified rehabilitation consultant or qualified
424 rehabilitation consultant intern is employed.
- 425 C. The firm must maintain workers’ compensation insurance if required by Minnesota Statutes,
426 chapter 176.
- 427 D. The firm must maintain at least one office in Minnesota or within 100 miles by road from the
428 Minnesota border. If a firm does not maintain at least one office in Minnesota or within 100
429 miles by road from the Minnesota border on the effective date of these rules, the firm must
430 comply with this part within 90 days of receiving written notice of the requirement from the
431 department.
- 432 E. The firm must not provide rehabilitation services unless the qualified rehabilitation consultant or
433 qualified rehabilitation consultant intern assigned to the injured employee’s case file is an
434 employee of the firm.
- 435 F. The firm must ensure that each employee who provides rehabilitation services to injured
436 employees attends all department rehabilitation provider update sessions.
- 437 G. If the firm hires a new, non-registered employee who will provide rehabilitation services to
438 injured employees, that employee must, within 12 months of employment, complete the
439 department’s orientation session.
- 440 H. The firm must retain each of the firm’s injured worker case files for at least five years after the
441 date of file closure.

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- 442 I. If there is a change to the information previously provided to the department on the firm’s
443 registration application, including any change in employees who provide rehabilitation services
444 to injured workers, the firm must report the change to the department.
445

446 **Subp. 2. Staffing Requirements.** At all times while registered with the commissioner, a qualified
447 rehabilitation consultant firm must meet the following staffing requirements:
448

- 449 A. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation
450 services to qualified employees shall be qualified rehabilitation consultants or qualified
451 rehabilitation consultant interns. Employees who are not qualified rehabilitation consultants or
452 qualified rehabilitation consultant interns, under the direct supervision of the assigned qualified
453 rehabilitation consultant or qualified rehabilitation consultant intern, may provide the services of
454 job seeking skills training, job development, job placement, vocational testing, labor market
455 survey, post-placement follow-up, and transferrable skills analysis.
- 456 B. Any firm employing four or fewer full-time qualified rehabilitation consultants or qualified
457 rehabilitation consultant interns may employ up to two employees who are not qualified
458 rehabilitation consultants or qualified rehabilitation interns who may, under the direct
459 supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation
460 consultant intern, provide the services of, job seeking skills training, job development, job
461 placement, vocational testing, transferrable skills analysis, post-placement follow-up, and labor
462 market survey. However, as restricted by part 5220.1250, employees who are not qualified
463 rehabilitation consultants or qualified rehabilitation consultant interns may provide these
464 prescribed services only in cases for which a qualified rehabilitation consultant or qualified
465 rehabilitation consultant intern employed by the same firm is the assigned qualified rehabilitation
466 consultant.
467

468 **Subp. 3. Qualified rehabilitation consultant firm registration.** For registration as a qualified
469 rehabilitation consultant firm, the applicant must meet the following requirements:

- 470 A. The applicant must file a complete application for qualified rehabilitation consultant firm
471 registration in the format prescribed by the commissioner that includes:
- 472 1. The applicant’s name and Minnesota business identification number, as required by
473 Minnesota Statutes, section 270C.72, subdivision 4;
 - 474 2. Every business address where the applicant will provide rehabilitation services;
 - 475 3. If the firm is owned by an individual, that individual’s phone number, email address, home
476 address, social security number, and any state and federal employer identification numbers;
 - 477 4. If the firm is not owned by an individual:
 - 478 i. The name and address of the firm’s agent registered with the Secretary of State;
 - 479 ii. A different name and address for legal service on the firm, if the firm chooses to accept
480 legal service from the department at an address different from the registered address; and
 - 481 iii. The name, address, email, and telephone number of the full-time member of the
482 management staff who is a qualified rehabilitation consultant;
 - 483 5. The name and job title of each employee, an indication whether the employee will provide
484 rehabilitation services to injured employees, and their job title;

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- 485 6. For each employee who has provided or will provide rehabilitation services to injured
486 employees, the most recent date the employee completed the department’s rehabilitation
487 provider update session;
- 488 7. Proof of workers’ compensation insurance or an explanation of why no workers’
489 compensation insurance is required;
- 490 8. Affirmation that one of the offices where the applicant will provide rehabilitation services is
491 located in Minnesota or within 100 miles by road from the Minnesota border; and
- 492 9. The registration fee of \$280.
- 493 B. If the application is for renewal of qualified rehabilitation consultant firm registration and the
494 applicant does not want a gap in registration, the applicant must submit the renewal application
495 at least 60 days before expiration of the applicant’s current registration.
- 496 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
497 registration expires before submission of a complete renewal application or before the
498 commissioner has approved or denied the application.
- 499 D. The applicant must attest that all information in the application is true and that the applicant
500 meets or will meet all the requirements of subpart 1.
- 501 E. The qualified rehabilitation consultant firm registration must be renewed annually, in accordance
502 with Section 5220.1610, subpart 3, Item C.

503
504 **Subp. 4. Approval or denial of application.**

- 505 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant firm
506 registration, the commissioner must approve or deny the application and notify the applicant
507 whether the application is approved or denied. The following constitute grounds for denial of the
508 application:
 - 509 1. The applicant failed to comply with the requirements of subpart 2;
 - 510 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
511 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
512 standards of performance and professional conduct for professional activities and services of
513 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
514 or
 - 515 3. The applicant has outstanding fines or penalties with the department.
- 516 B. If the commissioner approves the application, the commissioner shall assign a registration
517 number to the qualified rehabilitation consultant firm.
- 518 C. The registration expires one year from the date the applicant’s current registration was set to
519 expire, unless the applicant was not registered as a qualified rehabilitation consultant firm on the
520 date that the commissioner received the application, in which case the registration expires one
521 year after the application is approved.

522
523 **Subp. 5. Appeal process for denials.**

- 524 A. An applicant may appeal the commissioner’s order denying an application for qualified
525 rehabilitation consultant firm registration.
- 526 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
527 commissioner within 30 days of service of the order denying the application.

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- 528 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 529 Statutes, section 176.102, subdivision 3.
- 530 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 531 of the denial until final disposition of the appeal.
- 532

Subp. 6. Retention and transfer of rehabilitation plans.

534 If the registration of a qualified rehabilitation consultant firm expires, then the qualified rehabilitation
535 consultant who owns the firm or is a member of the firm’s management staff must ensure that the firm’s
536 active rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified
537 rehabilitation consultant firm as required by part 5220.1802, subpart 4a.

5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

542 **Subpart 1. Requirements for rehabilitation vendors.** At all times while registered with the
543 commissioner, a rehabilitation vendor must meet the requirements in items A through K.

- 544 A. The rehabilitation vendor must be owned by:
 - 545 1. An individual; or
 - 546 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 547 B. The rehabilitation vendor must maintain workers’ compensation insurance if required by
- 548 Minnesota Statutes, chapter 176.
- 549 C. The rehabilitation vendor must maintain at least one office where services to injured employees
- 550 are provided in Minnesota or within 100 miles by road from the Minnesota border. If a vendor
- 551 does not maintain at least one office in Minnesota or within 100 miles by road from the
- 552 Minnesota border on the effective date of these rules, the vendor must comply with this part
- 553 within 90 days of receiving written notice of the requirement from the department.
- 554 D. The rehabilitation vendor must cooperate in any request for information or investigation by the
- 555 department.
- 556 E. The rehabilitation vendor may only provide rehabilitation services to injured employees under an
- 557 approved rehabilitation plan.
- 558 F. The rehabilitation vendor must promptly communicate with the assigned qualified rehabilitation
- 559 consultant or qualified rehabilitation consultant intern regarding all rehabilitation services that
- 560 the rehabilitation vendor provides to injured employees.
- 561 G. Each employee of the rehabilitation vendor who provides rehabilitation services to injured
- 562 employees must attend all department rehabilitation provider update sessions.
- 563 H. If the rehabilitation vendor hires a new employee who will provide rehabilitation services to
- 564 injured employees, that employee must, within 12 months of employment, complete the
- 565 department’s orientation session.
- 566 I. If the rehabilitation vendor is no longer providing services to injured employees, the
- 567 rehabilitation vendor must provide any active or closed case file to the qualified rehabilitation
- 568 consultant firm that last employed the qualified rehabilitation consultant or qualified
- 569 rehabilitation consultant intern assigned to the file.

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- 570 J. Within two weeks of the change, the rehabilitation vendor must report to the department any
571 change in any of the information provided to the department on the rehabilitation vendor’s
572 registration application, including any change in employees who provide rehabilitation services
573 to injured employees.
- 574 K. The rehabilitation vendor must not employ or otherwise engage the services of a qualified
575 rehabilitation consultant.
576

577 **Subp. 2. Rehabilitation vendor registration.** For registration as a rehabilitation vendor, the applicant
578 must meet the following requirements:

- 579 A. The applicant must file a complete application for rehabilitation vendor registration in the format
580 prescribed by the commissioner that includes:
 - 581 1. The applicant’s name and every business address where the applicant will provide
582 rehabilitation services to injured employees;
 - 583 2. The applicant’s taxpayer identification number and Minnesota business identification
584 number, as required by Minnesota Statutes, section 270C.72, subdivision 4;
 - 585 3. If the rehabilitation vendor is owned by an individual, that individual’s phone number, email
586 address, home address, social security number, and any state and federal employer
587 identification numbers;
 - 588 4. If the rehabilitation vendor is not owned by an individual:
 - 589 i. The name, address, phone number, and email address of the rehabilitation vendor’s agent
590 registered with the Secretary of State;
 - 591 ii. A different name and address for legal service on the rehabilitation vendor, if the
592 rehabilitation vendor chooses to accept legal service from the department at an address
593 different from the registered address;
 - 594 5. The name and job title of each current employee of the rehabilitation vendor and an
595 indication of whether each employee will provide rehabilitation services to injured
596 employees;
 - 597 6. For each employee who has provided or will provide rehabilitation services to injured
598 employees, and the most recent date the employee completed the department’s rehabilitation
599 provider update session;
 - 600 7. The name of each manager of the rehabilitation vendor;
 - 601 8. Proof of workers’ compensation insurance or an explanation of why no workers’
602 compensation insurance is required;
 - 603 9. Affirmation that one of the offices where the applicant will provide rehabilitation services to
604 injured employees is located in Minnesota or within 100 miles by road from the Minnesota
605 border; and
 - 606 10. The registration fee of \$280.
- 607 B. If the application is for renewal of rehabilitation vendor registration and the applicant wants there
608 to be no gap in registration, the applicant must submit the renewal application at least 60 days
609 before expiration of the applicant’s current registration.
- 610 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
611 registration expires before submission of a complete renewal application or before the
612 commissioner has approved or denied the application.

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- 613 D. The applicant must attest that all information in the application is true and that the applicant
- 614 meets or will meet all the requirements of subpart 1.
- 615 E. The rehabilitation vendor registration must be renewed annually, in accordance with Section
- 616 5220.1710, subpart 3, Item C.

617 **Subp. 3. Approval or denial of application.**

- 618 A. Within 60 days after receiving a complete application for rehabilitation vendor registration, the
- 619 commissioner must approve or deny the application and notify the applicant whether the
- 620 application is approved or denied. The following constitute grounds for denial of the application:
- 621 1. The applicant failed to comply with the requirements of subpart 2;
- 622 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
- 623 Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued under those statutes or
- 624 rules; or
- 625 3. The applicant has outstanding fines or penalties with the department.
- 626 B. If the commissioner approves the application, the commissioner shall assign a registration
- 627 number to the rehabilitation vendor.
- 628 C. The registration expires one year from the date the applicant’s current registration was set to
- 629 expire, unless the applicant was not registered as a rehabilitation vendor on the date that the
- 630 commissioner received the application, in which case the registration expires one year after the
- 631 application is approved.
- 632

633 **Subp. 4. Appeal process for denials.**

- 634 A. An applicant may appeal the commissioner’s order denying an application for rehabilitation
- 635 vendor registration.
- 636 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
- 637 commissioner within 30 days of service of the order denying the application.
- 638 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 639 Statutes, section 176.102, subdivision 3.
- 640 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 641 of the denial until final disposition of the appeal.
- 642

643 **5220.1750 VOCATIONAL REHABILITATION UNIT.**

644 The vocational rehabilitation unit of the Department and its employees are exempt from payment of the

645 fees in parts 5220.1410, 5220.1510, and 5220.1610.

646

647 **5220.1801 PROFESSIONAL CONDUCT.**

648

649 **Subpart 1. Prompt provision of service and assessment of progress.**

650 The assigned qualified rehabilitation consultant and any ~~registered~~ rehabilitation vendor providing

651 rehabilitation services under a plan shall provide prompt and necessary rehabilitation services to assist a

652 qualified employee to return to suitable gainful employment. The qualified rehabilitation consultant

653 shall periodically assess progress toward plan objectives.

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655 [See MR for subparts 2--7]

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Subp. 8. Separate roles and functions.

- A. The roles and functions of a claims agent and a rehabilitation provider are separate. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, ~~registered~~-rehabilitation vendor, or an agent of a rehabilitation provider, shall engage only in those activities designated in Minnesota Statutes, section 176.102, and rules adopted thereunder.
- B. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, or ~~registered~~ rehabilitation vendor shall not act as an advocate for or advise any party about a claims or entitlement issue. Except as permitted by item C, qualified rehabilitation consultants, qualified rehabilitation consultant interns, and ~~registered~~-rehabilitation vendors shall at no time in any capacity engage in any of the following activities regarding any claim for workers' compensation benefits pursuant to Minnesota Statutes, chapter 176:
 - (1) claims adjustment;
 - (2) claims investigation;
 - (3) determining liability or setting reserves for a claim;
 - (4) authorizing or denying provision of future medical or rehabilitation services;
 - (5) recommending, authorizing, or denying payment of medical or rehabilitation bills;
 - (6) making recommendations about the determination of workers' compensation monetary benefits;
 - (7) arranging for medical examinations not recommended by the treating doctor; or
 - (8) arranging for or participating in surveillance or investigative services.
- C. This subpart shall not prohibit a registered rehabilitation provider from engaging in the activities in item B, subitems (4) and (5), while providing medical case management services for a certified managed care plan to the extent permitted by part 5218.0760. However, a medical case manager for an employee covered by a certified managed care plan may not be the assigned qualified rehabilitation consultant for that same employee.

This subpart shall not prohibit a qualified rehabilitation consultant acting on behalf of the reinsurance association from consulting with the assigned qualified rehabilitation consultant regarding the rehabilitation plan.

5220.1802 COMMUNICATIONS.

Subp. 4. ~~Registered~~-rehabilitation vendor reporting.

At least each 30 days, the ~~registered~~-rehabilitation vendor shall submit all required progress records, required rehabilitation reports and cost information on an employee's case directly to the assigned qualified rehabilitation consultant with copies to the employee, the insurer, and their attorneys, and also to the employer upon the employer's request.

5220.1900 REHABILITATION SERVICE FEES AND COSTS.

Subp. 1e. **Job development and placement services.** Whether provided by ~~registered~~-rehabilitation vendors or qualified rehabilitation consultant firms, job development and job placement services, when billed on an hourly basis, shall be billed at an hourly rate not to exceed \$82.58 per hour as adjusted under subpart 1b.

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[See MR for subparts 1g—6b]

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702
703 Subp. 7. **Case activities that require approval or are not billable.** The services and activities
704 described in items A and B either require approval or are not billable by the rehabilitation provider.

705
706 A. The following services and activities are not compensable unless the rehabilitation plan specifies
707 them, the insurer approves them, or the commissioner or a compensation judge determines that they
708 were reasonable and necessary under subpart 2:

709 (1) phone calls or visits to health care providers and accompanying the employee to
710 appointments or examinations; or

711 (2) time spent by a supervisor or another qualified rehabilitation consultant consulting with or
712 advising the assigned qualified rehabilitation consultant.

713
714 B. Rehabilitation providers shall not bill for the following services, activities, or charges:

715 (1) phone calls to the department regarding general procedures or questions about rehabilitation
716 not related to a specific rehabilitation plan;

717 (2) unanswered attempted phone calls where the rehabilitation provider does not leave a
718 message;

719 (3) time for attendance at an administrative conference by the supervisor of the qualified
720 rehabilitation consultant intern who is providing services to the employee;

721 (4) time spent reviewing the file by an assigned qualified rehabilitation consultant or ~~registered~~
722 rehabilitation vendor when a case has been transferred from another qualified rehabilitation consultant
723 or ~~registered~~ rehabilitation vendor within the same rehabilitation firm;

724 (5) wait time exceeding 15 minutes for early arrival for a prearranged meeting or appointment; or

725 (6) charges beyond the hourly fee for testimony at a hearing or administrative conference when
726 the qualified rehabilitation consultant or ~~registered~~ rehabilitation vendor has provided rehabilitation
727 services under the plan.

728
729 Repealer. Minnesota Rules, parts 5220.1400, 5220.1500, 5220.1600, and 5220.1700 are repealed.