

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

For discussion purposes as presented at 7/7/22 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 **5220.0410 REHABILITATION PLAN.**

37
38 **Subp. 9. Administration of plan.** All rehabilitation services shall be provided to an employee pursuant
39 to Minnesota Statutes, section 176.102, as stated in the rehabilitation plan and any subsequent
40 amendments, and shall be administered exclusively by a person or business entity registered and
41 approved by the commissioner as a qualified rehabilitation consultant or a qualified rehabilitation
42 consultant firm.

43
44 The assigned qualified rehabilitation consultant shall monitor ~~registered-rehabilitation~~ vendor
45 compliance with the rehabilitation plan.

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

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

52

5220.0450 PLAN PROGRESS REPORT.

54

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

61

- 62 A. requesting additional information from the assigned qualified rehabilitation consultant, the
63 qualified rehabilitation consultant firm, and the ~~registered~~-rehabilitation vendor;
- 64 B. conducting an on-site inspection during normal business hours of the assigned qualified
65 rehabilitation consultant's records for documentation of service provision according to the
66 rehabilitation plan; and
- 67 C. other actions pursuant to Minnesota Statutes, section 176.102, subdivision 6, paragraph (b), and
68 parts 5220.1800 to 5220.1806.

69

5220.0510 PLAN AMENDMENT AND CLOSURE.

70

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

74

- 75 A. identifying information on the employee, employer, insurer, the assigned qualified rehabilitation
76 consultant, and any change of qualified rehabilitation consultant;
- 77 B. the proposed amendment;
- 78 C. a rationale for the amendment;
- 79 D. if the amendment adds rehabilitation services, an itemization of each additional rehabilitation
80 service to be provided including any ~~registered~~-rehabilitation vendor names, dates of initiation
81 and completion, and estimated costs of each service;
- 82 E. if the amendment will result in a change in the projected plan completion date, the new
83 completion date;
- 84 F. if the amendment will result in a change in the projected plan cost, the new estimated cost;
- 85 G. employee comments, if any; and
- 86 H. the dated signatures of the employee, insurer, and assigned qualified rehabilitation consultant.

5220.1250 ROLES OF REGISTERED REHABILITATION PROVIDERS.

87

88 An entity may be approved to provide rehabilitation services either as a ~~registered~~-rehabilitation vendor
89 or as a qualified rehabilitation consultant firm. An individual may be approved to provide rehabilitation

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

90 services as a qualified rehabilitation consultant intern or, in cases of completion of internship and
91 registration renewal, as a qualified rehabilitation consultant.

92
93 A qualified rehabilitation consultant and a qualified rehabilitation consultant intern are approved
94 for the purpose of developing, administering, and implementing a rehabilitation plan, including the
95 provision of rehabilitation services, in accordance with Minnesota Statutes, chapter 176 and the rules
96 adopted to administer it.

97
98 A qualified rehabilitation consultant firm is approved for the purpose of employing qualified
99 rehabilitation consultants, qualified rehabilitation consultant interns, and other professional staff as
100 provided in part ~~5220.1600~~ 5220.1610.

101
102 A ~~registered~~ rehabilitation vendor is approved for the purpose of providing the workers'
103 compensation rehabilitation services of job development and job placement, vocational testing, and
104 transferrable skills analysis under an approved rehabilitation plan.

105
106 The roles of vendor and consultant are distinct and, therefore, a ~~registered~~ rehabilitation vendor
107 or its employee may not be, or function as, a qualified rehabilitation consultant firm, a qualified
108 rehabilitation consultant, or a qualified rehabilitation consultant intern. Nor may a qualified
109 rehabilitation consultant firm, qualified rehabilitation consultant, or qualified rehabilitation consultant
110 intern be or function as a ~~registered~~ rehabilitation vendor or as the agent of a vendor.

111
112 The distinction of roles between ~~registered~~ rehabilitation vendor and qualified rehabilitation
113 consultant means the following: A ~~registered~~ rehabilitation vendor and its employees may provide job
114 development and job placement services under an approved rehabilitation plan for any qualified
115 employee; a qualified rehabilitation consultant firm and its employees may provide job development and
116 job placement services only in cases for which a qualified rehabilitation consultant or qualified
117 rehabilitation consultant intern employed by that firm is the assigned qualified rehabilitation consultant.

118
119 There shall be no ownership or financial relationships of any kind between any ~~registered~~
120 rehabilitation vendor and qualified rehabilitation consultant firm, qualified rehabilitation consultant, or
121 qualified rehabilitation consultant intern.

122
123 The commissioner shall review the professional activities and services of rehabilitation providers
124 to determine if they are reasonable and comply with the standards of performance and professional
125 conduct contained in parts 5220.1800 and 5220.1801, the provisions of Minnesota Statutes, chapter 176,
126 parts 5220.0100 to 5220.1900, and orders issued under the statutes or rules.

127
128 **5220.1410 QUALIFIED REHABILITATION CONSULTANT INTERNS AND SUPERVISORS:**
129 **REQUIREMENTS AND PROCEDURES FOR REGISTRATION.**

130
131 **Subpart 1. Requirements and application to become a qualified rehabilitation consultant intern.**
132 For registration as a qualified rehabilitation consultant intern, the applicant must meet the following
133 requirements:

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 134 A. A qualified rehabilitation consultant intern must be employed by a qualified rehabilitation
135 consultant firm.
- 136 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
137 complete application for qualified rehabilitation consultant intern registration that includes:
138 1. The applicant’s name, phone number, home address, designated mailing address (if different
139 from the home address), and email address;
140 2. The applicant’s social security number or individual taxpayer identification number and
141 Minnesota business identification number, as applicable, as required by Minnesota Statutes,
142 section 270C.72, subdivision 4;
143 3. The name of the qualified rehabilitation consultant firm that will employ the applicant and
144 the name of the applicant’s qualified rehabilitation consultant intern supervisor;
145 4. The projected date by which the applicant will obtain one of the certifications listed in
146 subpart 3, item M, or a master’s degree under subpart 3, item N;
147 5. A list of languages other than English that the applicant wants to be identified as proficient in
148 for providing rehabilitation services;
149 6. Agreement to immediately notify the department of any change in rehabilitation firm
150 employment status;
151 7. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
152 from the Minnesota border; and
153 8. The \$100 application fee.
- 154 C. The application must include a plan of supervision that contains a declaration signed by the
155 supervisor that the supervisor will comply with all of the requirements in subpart 4.
- 156 D. The applicant must attest that all information in the application is true.
- 157 E. Qualified rehabilitation consultant intern registration expires 36 consecutive months from the
158 date that it is approved. If a person’s qualified rehabilitation consultant intern registration expires
159 before the person completes all of the requirements in subpart 3 and files an application for
160 initial registration as a qualified rehabilitation consultant, the person must reapply for qualified
161 rehabilitation consultant intern registration and restart the internship from the beginning. The
162 person must complete the requirements in subpart 3, items A to K, after the date the subsequent
163 application for qualified rehabilitation consultant intern registration is approved, and must also
164 comply with subpart 3, items L and M.

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

- 166 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant
167 intern registration, the commissioner must approve or deny the application and notify the
168 applicant whether the application is approved or denied.
- 169 B. If the application is approved, the commissioner shall assign a registration number to the
170 qualified rehabilitation consultant intern.
- 171 C. The following constitute grounds for denial of the application:
172 1. The applicant failed to comply with the requirements in subpart 1;
173 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
174 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
175 standards of performance and professional conduct for professional activities and services of

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 176 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
- 177 or
- 178 3. The applicant has outstanding fines or penalties with the department.
- 179 D. An applicant may appeal the commissioner’s order denying an application for qualified
- 180 rehabilitation consultant intern registration.
- 181 E. To appeal the commissioner’s order, the applicant must file a written request for hearing with
- 182 the commissioner within 30 days of service of the order denying the application.
- 183 F. The request for hearing will be referred to the rehabilitation review panel according to
- 184 Minnesota Statutes, section 176.102, subdivision 3.
- 185 G. Qualified rehabilitation consultant intern registration expires 36 consecutive months from the
- 186 date that it is approved. If a person’s qualified rehabilitation consultant intern registration
- 187 expires before the person completes all of the requirements in subpart 3 and files an application
- 188 for initial registration as a qualified rehabilitation consultant, the person must reapply for
- 189 qualified rehabilitation consultant intern registration and restart the internship from the
- 190 beginning. The person must not provide rehabilitation services to injured workers if the
- 191 registration expires before submission of a complete renewal application or before the
- 192 commissioner has approved or denied the application. The person must complete the
- 193 requirements in subpart 3, items A to K, after the date the subsequent application for qualified
- 194 rehabilitation consultant intern registration is approved, and must also comply with subpart 3,
- 195 items L and M.

Subp. 3. Requirements during the internship.

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

- 198 A. Comply with the provisions of Minnesota Statutes, chapter 176; Minnesota Rules, parts
- 199 5220.0100 to 5220.1900; and any orders issued under these statutes or rules;
- 200 B. Complete an introductory orientation training session sponsored by the department within 12
- 201 months of approval of qualified rehabilitation consultant intern registration;
- 202 C. Complete all of the department’s rehabilitation provider update sessions;
- 203 D. Notify the commissioner within two weeks of a change in home address, designated mailing
- 204 address (if different from the home address), or employment with their registered rehabilitation
- 205 firm;
- 206 E. Notify the department when their supervisor changes, and ensure that the new supervisor
- 207 provides an updated plan of supervision as required under subpart 1, paragraph C;
- 208 F. Work as the assigned qualified rehabilitation consultant intern on 12 or more rehabilitation plans
- 209 under Minnesota Statutes, section 176.102;
- 210 G. Work providing rehabilitation services for at least 1000 billable hours:
- 211 1. At least 100 billable hours must be in the areas of job seeking skills training, job
- 212 development, and job placement; and
- 213 2. At least 900 billable hours must be the provision of other rehabilitation services including
- 214 vocational counseling, medical management, transferable skills analysis, vocational testing,
- 215 labor market analysis, and coordination of return to work with the same employer;
- 216 H. Ensure that all documents bearing the name of the intern designate the intern as a “qualified
- 217 rehabilitation consultant intern” and include the intern’s registration number;
- 218 I. Be the rehabilitation consultant of record for at least one of each of the following complete
- 219 reports:
- 220

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 221 1. Rehabilitation Consultation Report that explains the basis for the eligibility determination;
- 222 2. Rehabilitation Plan with an initial evaluation narrative report that includes medical status,
- 223 vocational history, educational history, social history, relevant economic factors, transferable
- 224 skills, employment barriers, and recommendations;
- 225 3. Plan Progress Report or Rehabilitation Plan Amendment with a narrative report that
- 226 identifies barriers to the employee’s successful completion of the rehabilitation plan and the
- 227 measures the intern planned to overcome each of the identified barriers; and
- 228 4. Notice of Rehabilitation Plan Closure with a narrative summary report that includes all
- 229 rehabilitation plan services provided;
- 230 J. Prepare at least one of each of the following complete reports, or, if necessary due to inability to
- 231 complete a required report under an assigned rehabilitation plan, contact the department to
- 232 confirm that the intern can complete the report outside of their assigned files:
- 233 1. A narrative report that shows the intern’s understanding of vocational testing;
- 234 2. A narrative report that shows the intern’s understanding of a transferable skills analysis; and
- 235 3. A labor market survey that shows the intern’s understanding of the injured employee’s
- 236 qualifications, work restrictions, and labor market conditions;
- 237 K. Obtain one of the following certifications by the completion of the internship, except as provided
- 238 in item L:
- 239 1. Certified Rehabilitation Counselor (CRC) from the Commission on Rehabilitation Counselor
- 240 Certification; or
- 241 2. Certified Disability Management Specialist (CDMS) from the Certification of Disability
- 242 Management Specialist;
- 243 L. Instead of obtaining one of the certifications in item L, obtain or hold a master’s degree in
- 244 vocational rehabilitation or rehabilitation counseling through a program accredited by the
- 245 Council for Accreditation of Counseling and Related Educational Programs (CACREP).
- 246

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

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

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308

5220.1510 QUALIFIED REHABILITATION CONSULTANTS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

Subpart 1. Completion of qualified rehabilitation consultant internship and requirements to become a qualified rehabilitation consultant.

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

- A. A qualified rehabilitation consultant (QRC) must be employed by a qualified rehabilitation consultant firm or their own QRC firm which must be registered as a QRC firm with the department.
- B. At the time the applicant files the initial application for qualified rehabilitation consultant registration:
 - 1. The applicant must be registered as a qualified rehabilitation consultant intern;
 - 2. The applicant must have been registered as a qualified rehabilitation consultant intern for at least 12 months; and
 - 3. Within 36 months after the date the applicant most recently became registered as a qualified rehabilitation consultant intern, the applicant must have completed the requirements specified in part 5220.1410, subpart 3.
- C. The applicant must file a complete initial application for qualified rehabilitation consultant registration with the commissioner in the format prescribed that includes:
 - 1. The applicant’s name, phone number, home address, designated mailing address (if different from the home address), and email address;
 - 2. The applicant’s social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, as required by Minnesota Statutes, section 270C.72, subdivision 4;
 - 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
 - 4. The date the applicant completed the department’s orientation session;
 - 5. Each date the applicant completed one of the department’s rehabilitation provider update sessions;
 - 6. A list of languages other than English that the applicant wants to be identified as being proficient in for providing rehabilitation services;
 - 7. Documentation from the applicant’s qualified rehabilitation consultant intern supervisor certifying that the applicant complied with each of the requirements in 5220.1410, subpart 3, items H through M;
 - 8. Proof that the applicant has obtained one of the certifications listed in 5220.1410, subpart 3, item M, or a master’s degree as provided in 5220.1410, subpart 3, item N;
 - 9. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road from the Minnesota border; and
 - 10. The registration fee of \$100.
- D. The applicant must attest that all information in the application is true.

Subp. 2. Approval or denial of initial application.

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 309 A. Within 60 days after receiving a complete initial application for qualified rehabilitation
310 consultant registration, the commissioner must approve or deny the application and notify the
311 applicant whether the application is approved or denied.
- 312 B. If the application is approved, the commissioner shall assign a registration number to the
313 qualified rehabilitation consultant.
- 314 C. The following constitute grounds for denial of the application:
 - 315 1. The applicant failed to comply with the requirements in subpart 1;
 - 316 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
317 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
318 standards of performance and professional conduct for professional activities and services of
319 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
320 or
 - 321 3. The applicant has outstanding fines or penalties with the department.
- 322 D. The qualified rehabilitation consultant registration expires one year from the date the application
323 is approved.
- 324

Subp. 3. Renewal of qualified rehabilitation consultant registration.

326 To annually renew registration as a qualified rehabilitation consultant, the applicant must meet the
327 following requirements:

- 328 A. A qualified rehabilitation consultant must be employed by a qualified rehabilitation consultant
329 firm.
- 330 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
331 complete renewal application for qualified rehabilitation consultant registration that includes:
 - 332 1. The applicant’s name, phone number, home address, designated mailing address (if different
333 from the home address), and email address;
 - 334 2. The applicant’s social security number or individual taxpayer identification number and
335 Minnesota business identification number as applicable, as required by Minnesota Statutes,
336 section 270C.72, subdivision 4;
 - 337 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
 - 338 4. The most recent date when the applicant completed one of the department’s rehabilitation
339 provider update sessions;
 - 340 5. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
341 from the Minnesota border;
 - 342 6. One of the following, except as provided in paragraph C:
 - 343 i. A copy of the applicant’s certification as a Certified Rehabilitation Counselor (CRC) or a
344 Certified Disability Management Specialist (CDMS); or
 - 345 ii. If the applicant has a master’s degree as provided in 5220.1410, subpart 3, item M, copies
346 of certificates showing that the applicant completed 20 continuing education credits
347 approved by the Commission on Rehabilitation Counselor Certification or the
348 Certification of Disability Management Specialist in the year preceding the filing of the
349 renewal application; the certificates cannot have been submitted in the previous year’s
350 renewal application; and
 - 351 7. The registration fee of \$100.
- 352 C. A qualified rehabilitation consultant registered with the commissioner before July 1, 2005, and
353 continuously registered since that date, may either continue to meet the certification

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 354 requirements in effect at the time of initial registration or meet one of the requirements in
- 355 paragraph B, subitem 6.
- 356 D. The applicant must have completed the department’s most recent rehabilitation provider update
- 357 session. The applicant may complete satisfy this requirement by attending an in-person session
- 358 or, if they could not attend the most recent session, attesting that they have viewed the recordings
- 359 of the most recent session.
- 360 E. The applicant must not provide rehabilitation services to injured workers if the applicant’s
- 361 registration expires before submission of a complete renewal application or before the
- 362 commissioner has approved or denied the application pursuant to subpart 5.
- 363 F. The applicant must attest that all information in the application is true.

Subp. 4. Gap in qualified rehabilitation consultant registration.

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

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

366 expiration of the applicant’s current registration. If an applicant’s qualified rehabilitation consultant

367 registration expired more than 12 months before the applicant files a renewal application for qualified

368 rehabilitation consultant registration, the applicant must complete the department’s orientation session

369 within 12 months before or after the applicant files the renewal application.

370

371

372

Subp. 5. Approval or denial of renewal application.

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

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

398 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, and any orders issued
399 under those statutes or rules.

400 The commissioner must approve or deny the new renewal application according to items A and
401 B of this subpart and, if applicable, after determining whether the applicant’s statement and
402 documentation in subitem 2 demonstrates that the applicant is not likely to violate Minnesota
403 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued
404 under those statutes or rules.

405 D. If the applicant was registered as a qualified rehabilitation consultant on the date that the
406 commissioner received the application, the qualified rehabilitation consultant registration expires
407 one year after the applicant’s current registration was set to expire.

408 E. If the applicant was not registered as a qualified rehabilitation consultant on the date that the
409 commissioner received the application, the qualified rehabilitation consultant registration expires
410 one year from the date the application is approved.

411

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

413 A. An applicant may appeal the commissioner’s order denying an initial application for qualified
414 rehabilitation consultant registration or a renewal application for qualified rehabilitation
415 consultant registration.

416 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
417 commissioner within 30 days of service of the order denying the application.

418 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
419 Statutes, section 176.102, subdivision 3.

420 D. The filing of a timely request for hearing on an order denying a renewal application will stay the
421 effect of the denial until final disposition of the appeal.

422

423 **5220.1610 QUALIFIED REHABILITATION CONSULTANT FIRMS: REQUIREMENTS AND**
424 **PROCEDURES FOR REGISTRATION.**

425

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

429 A. The firm must be owned by:

430 1. An individual who is a qualified rehabilitation consultant; or

431 2. An entity registered with and in good standing with the Minnesota Secretary of State.

432 B. If the firm is owned by an entity other than an individual, the management staff must include at
433 least one full-time employee who is a qualified rehabilitation consultant. An employer or insurer
434 must be registered as a qualified rehabilitation consultant firm in order to provide rehabilitation
435 services. A qualified rehabilitation consultant or qualified rehabilitation consultant intern
436 employed by an employer or insurer must only provide rehabilitation services for the claims
437 being handled by the entity by whom the qualified rehabilitation consultant or qualified
438 rehabilitation consultant intern is employed.

439 C. The firm must maintain workers’ compensation insurance if required by Minnesota Statutes,
440 chapter 176.

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 441 D. The firm must maintain at least one office in Minnesota or within 100 miles by road from the
442 Minnesota border. If a firm does not maintain at least one office in Minnesota or within 100
443 miles by road from the Minnesota border on the effective date of these rules, the firm must
444 comply with this part within 90 days of receiving written notice of the requirement from the
445 department.
- 446 E. The firm must not provide rehabilitation services unless the qualified rehabilitation consultant or
447 qualified rehabilitation consultant intern assigned to the injured employee’s case file is an
448 employee of the firm.
- 449 F. The firm must ensure that each employee who provides rehabilitation services to injured
450 employees attends all department rehabilitation provider update sessions.
- 451 G. If the firm hires a new, non-registered employee who will provide rehabilitation services to
452 injured employees, that employee must, within 12 months of employment, complete the
453 department’s orientation session.
- 454 H. The firm must retain each of the firm’s injured worker case files for at least five years after the
455 date of file closure.
- 456 I. If there is a change to the information previously provided to the department on the firm’s
457 registration application, including any change in employees who provide rehabilitation services
458 to injured workers, the firm must report the change to the department.
459

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

- 462
- 463 A. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation
464 services to qualified employees shall be qualified rehabilitation consultants or qualified
465 rehabilitation consultant interns.
- 466 B. Any firm employing four or fewer full-time qualified rehabilitation consultants or qualified
467 rehabilitation consultant interns may employ up to two employees who are not qualified
468 rehabilitation consultants or qualified rehabilitation interns who may, under the direct
469 supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation
470 consultant intern, provide the services of job analysis, job seeking skills training, job
471 development, and job placement. However, as restricted by part 5220.1250, employees who are
472 not qualified rehabilitation consultants or qualified rehabilitation consultant interns may provide
473 these prescribed services only in cases for which a qualified rehabilitation consultant or qualified
474 rehabilitation consultant intern employed by the same firm is the assigned qualified rehabilitation
475 consultant.
476

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

- 479 A. The applicant must file a complete application for qualified rehabilitation consultant firm
480 registration in the format prescribed by the commissioner that includes:
 - 481 1. The applicant’s name and Minnesota business identification number, as required by
482 Minnesota Statutes, section 270C.72, subdivision 4;
 - 483 2. Every business address where the applicant will provide rehabilitation services;

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 484 3. If the firm is owned by an individual, that individual’s phone number, email address, home
485 address, social security number, and any state and federal employer identification numbers;
- 486 4. If the firm is not owned by an individual:
 - 487 i. The name and address of the firm’s agent registered with the Secretary of State;
 - 488 ii. A different name and address for legal service on the firm, if the firm chooses to accept
489 legal service from the department at an address different from the registered address; and
 - 490 iii. The name, address, email, and telephone number of the full-time member of the
491 management staff who is a qualified rehabilitation consultant;
- 492 5. The name and job title of each employee, an indication whether the employee will provide
493 rehabilitation services to injured employees, and their job title;
- 494 6. For each employee who has provided or will provide rehabilitation services to injured
495 employees, the most recent date the employee completed the department’s rehabilitation
496 provider update session;
- 497 7. Proof of workers’ compensation insurance or an explanation of why no workers’
498 compensation insurance is required;
- 499 J. Affirmation that one of the offices where the applicant will provide rehabilitation services is
500 located in Minnesota or within 100 miles by road from the Minnesota border; and
- 501 8. The registration fee of \$200.
- 502 B. If the application is for renewal of qualified rehabilitation consultant firm registration and the
503 applicant does not want a gap in registration, the applicant must submit the renewal application
504 at least 60 days before expiration of the applicant’s current registration.
- 505 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
506 registration expires before submission of a complete renewal application or before the
507 commissioner has approved or denied the application.
- 508 D. The applicant must attest that all information in the application is true and that the applicant
509 meets or will meet all the requirements of subpart 1.

510 **Subp. 4. Approval or denial of application.**

- 511 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant firm
512 registration, the commissioner must approve or deny the application and notify the applicant
513 whether the application is approved or denied. The following constitute grounds for denial of the
514 application:
 - 515 1. The applicant failed to comply with the requirements of subpart 1;
 - 516 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
517 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
518 standards of performance and professional conduct for professional activities and services of
519 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
520 or
 - 521 3. The applicant has outstanding fines or penalties with the department.
- 522 B. If the commissioner approves the application, the commissioner shall assign a registration
523 number to the qualified rehabilitation consultant firm.
- 524 C. If the applicant was registered as a qualified rehabilitation consultant firm on the date that the
525 commissioner received the application, the qualified rehabilitation consultant firm registration
526 expires one year after the applicant’s current registration was set to expire.

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 527 D. If the applicant was not registered as a qualified rehabilitation consultant firm on the date that the
528 commissioner received the application, the qualified rehabilitation consultant firm registration
529 expires one year from the date the application is approved.
530

531 **Subp. 5. Appeal process for denials.**

- 532 A. An applicant may appeal the commissioner’s order denying an application for qualified
533 rehabilitation consultant firm registration.
534 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
535 commissioner within 30 days of service of the order denying the application.
536 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
537 Statutes, section 176.102, subdivision 3.
538 D. The filing of a timely request for hearing on an order denying an application will stay the effect
539 of the denial until final disposition of the appeal.
540

541 **Subp. 6. Transfer of rehabilitation plans.**

542 If the registration of a qualified rehabilitation consultant firm expires, then the qualified rehabilitation
543 consultant who owns the firm or is a member of the firm’s management staff must ensure that the firm’s
544 active rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified
545 rehabilitation consultant firm as required by part 5220.1802, subpart 4a.
546

547 **5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES FOR**
548 **REGISTRATION.**

549
550 **Subpart 1. Requirements for rehabilitation vendors.** At all times while registered with the
551 commissioner, a rehabilitation vendor must meet the requirements in items A through K.

- 552 A. The rehabilitation vendor must be owned by:
553 1. An individual; or
554 2. An entity registered with and in good standing with the Minnesota Secretary of State.
555 B. The rehabilitation vendor must maintain workers’ compensation insurance if required by
556 Minnesota Statutes, chapter 176.
557 C. The rehabilitation vendor must maintain at least one office where services to injured employees
558 are provided in Minnesota or within 100 miles by road from the Minnesota border. If a vendor
559 does not maintain at least one office in Minnesota or within 100 miles by road from the
560 Minnesota border on the effective date of these rules, the vendor must comply with this part
561 within 90 days of receiving written notice of the requirement from the department.
562 D. The rehabilitation vendor must cooperate in any request for information or investigation by the
563 department.
564 E. The rehabilitation vendor may only provide rehabilitation services to injured employees under an
565 approved rehabilitation plan.
566 F. The rehabilitation vendor must promptly communicate with the assigned qualified rehabilitation
567 consultant or qualified rehabilitation consultant intern regarding all rehabilitation services that
568 the rehabilitation vendor provides to injured employees.
569 G. Each employee of the rehabilitation vendor who provides rehabilitation services to injured
570 employees must attend all department rehabilitation provider update sessions.

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 571 H. If the rehabilitation vendor hires a new employee who will provide rehabilitation services to
572 injured employees, that employee must, within 12 months of employment, complete the
573 department's orientation session.
- 574 I. Within two weeks after closing a case file, the rehabilitation vendor must provide the case file to
575 the qualified rehabilitation consultant firm that employed the qualified rehabilitation consultant
576 or qualified rehabilitation consultant intern assigned to the file.
- 577 J. Within two weeks of the change, the rehabilitation vendor must report to the department any
578 change in any of the information provided to the department on the rehabilitation vendor's
579 registration application, including any change in employees who provide rehabilitation services
580 to injured employees.
- 581 K. The rehabilitation vendor must not employ or otherwise engage the services of a qualified
582 rehabilitation consultant.

583
584 **Subp. 2. Rehabilitation vendor registration.** For registration as a rehabilitation vendor, the applicant
585 must meet the following requirements:

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

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

- 613 10. The registration fee of \$200.
- 614 B. If the application is for renewal of rehabilitation vendor registration and the applicant wants there
- 615 to be no gap in registration, the applicant must submit the renewal application at least 60 days
- 616 before expiration of the applicant’s current registration.
- 617 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
- 618 registration expires before submission of a complete renewal application or before the
- 619 commissioner has approved or denied the application.
- 620 D. The applicant must attest that all information in the application is true and that the applicant
- 621 meets or will meet all the requirements of subpart 1.

Subp. 3. Approval or denial of application.

- 622 A. Within 60 days after receiving a complete application for rehabilitation vendor registration, the
- 623 commissioner must approve or deny the application and notify the applicant whether the
- 624 application is approved or denied. The following constitute grounds for denial of the application:
- 625 1. The applicant failed to comply with the requirements of subpart 1;
- 626 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
- 627 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
- 628 standards of performance and professional conduct for professional activities and services of
- 629 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
- 630 or
- 631 3. The applicant has outstanding fines or penalties with the department.
- 632 B. If the commissioner approves the application, the commissioner shall assign a registration
- 633 number to the rehabilitation vendor.
- 634 C. If the applicant was registered as a rehabilitation vendor on the date that the commissioner
- 635 received the application, the rehabilitation vendor registration expires one year after the
- 636 applicant’s current registration was set to expire.
- 637 D. If the applicant was not registered as a rehabilitation vendor on the date that the commissioner
- 638 received the application, the rehabilitation vendor registration expires one year from the date the
- 639 application is approved.
- 640
- 641

Subp. 4. Appeal process for denials.

- 642 A. An applicant may appeal the commissioner’s order denying an application for rehabilitation
- 643 vendor registration.
- 644 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
- 645 commissioner within 30 days of service of the order denying the application.
- 646 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 647 Statutes, section 176.102, subdivision 3.
- 648 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 649 of the denial until final disposition of the appeal.
- 650
- 651

5220.1750 VOCATIONAL REHABILITATION UNIT.

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

653 fees in parts 5220.1410, 5220.1510, and 5220.1610.

654

655

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

656 **5220.1801 PROFESSIONAL CONDUCT.**

657

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

659 The assigned qualified rehabilitation consultant and any ~~registered~~-rehabilitation vendor providing
660 rehabilitation services under a plan shall provide prompt and necessary rehabilitation services to assist a
661 qualified employee to return to suitable gainful employment. The qualified rehabilitation consultant
662 shall periodically assess progress toward plan objectives.

663

664

665

[See MR for subparts 2--7]

666 **Subp. 8. Separate roles and functions.**

667 A. The roles and functions of a claims agent and a rehabilitation provider are separate. A qualified
668 rehabilitation consultant, qualified rehabilitation consultant intern, ~~registered~~-rehabilitation
669 vendor, or an agent of a rehabilitation provider, shall engage only in those activities designated
670 in Minnesota Statutes, section 176.102, and rules adopted thereunder.

671 B. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, or ~~registered~~
672 rehabilitation vendor shall not act as an advocate for or advise any party about a claims or
673 entitlement issue. Except as permitted by item C, qualified rehabilitation consultants, qualified
674 rehabilitation consultant interns, and ~~registered~~-rehabilitation vendors shall at no time in any
675 capacity engage in any of the following activities regarding any claim for workers' compensation
676 benefits pursuant to Minnesota Statutes, chapter 176:

677

678

679

680

681

682

683

684

685

- (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.

686 C. This subpart shall not prohibit a registered rehabilitation provider from engaging in the activities
687 in item B, subitems (4) and (5), while providing medical case management services for a certified
688 managed care plan to the extent permitted by part 5218.0760. However, a medical case manager
689 for an employee covered by a certified managed care plan may not be the assigned qualified
690 rehabilitation consultant for that same employee.

691

692

693

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.

694

695

696

5220.1802 COMMUNICATIONS.

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

698 At least each 30 days, the ~~registered~~-rehabilitation vendor shall submit all required progress records,
699 required rehabilitation reports and cost information on an employee's case directly to the assigned

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

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

700 qualified rehabilitation consultant with copies to the employee, the insurer, and their attorneys, and also
701 to the employer upon the employer’s request.

702
703 **5220.1900 REHABILITATION SERVICE FEES AND COSTS.**

704
705 Subp. 1e. **Job development and placement services.** Whether provided by ~~registered~~ rehabilitation
706 vendors or qualified rehabilitation consultant firms, job development and job placement services, when
707 billed on an hourly basis, shall be billed at an hourly rate not to exceed \$82.58 per hour as adjusted
708 under subpart 1b.

709
710 **[See MR for subparts 1g—6b]**

711
712 Subp. 7. **Case activities that require approval or are not billable.** The services and activities
713 described in items A and B either require approval or are not billable by the rehabilitation provider.

714
715 A. The following services and activities are not compensable unless the rehabilitation plan specifies
716 them, the insurer approves them, or the commissioner or a compensation judge determines that they
717 were reasonable and necessary under subpart 2:

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

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

722
723 B. Rehabilitation providers shall not bill for the following services, activities, or charges:

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

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

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

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

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

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

737
738 Repealer. Minnesota Rules, parts 5220.1400, 5220.1500, 5220.1600, and 5220.1700 are repealed.