

Working as a rehabilitation provider

Workers' Compensation Division

Disability case management (DCM)

Used when:

- rehabilitation has not been requested;
- the employee is not a qualified employee under [Minnesota Rules 5220.0100, subpart 22](#) (no lost time, can reasonably expect to return to suitable gainful employment with the date of injury employer, etc.); or
- there is a waiver of services in place.

Providing DCM services

- Inform the employee you are not necessarily considered a neutral and objective party when serving as a DCM.
- Always have an employee-signed written medical release before contacting any health care providers, even to schedule an exam.
- If a rehabilitation consultation is requested, inform the insurer and suspend your DCM services until there is a rehabilitation consultation outcome.
- DCM and qualified rehabilitation consultant (QRC) services cannot be provided by the same person to an injured worker. See [Minnesota Statutes 176.102, subdivision 10](#).

Vocational rehabilitation

- The goal of vocational rehabilitation is to assist the injured worker with returning to suitable gainful employment.
- Suitable gainful employment is defined in [Minn. R. 5220.0100, subp. 34](#). It includes:
 - returning to employment that is reasonably attainable;
 - restoring economic status as close as possible to that which the employee would have enjoyed without disability; and
 - taking into consideration the employee's former employment and qualifications, including their age, work history, skills, education and interests.
- Timing should also be considered when exploring employment – employment needs to be suitable; however, services should be provided and placement should be sought as quickly as possible.

Conducting the rehabilitation consultation, [Minn. R. 5220.0130](#)

Purpose: To determine whether an employee is qualified for rehabilitation services.

Timeline: A consultation is held within 15 calendar days of the insurer's receipt of the request.

Pre-consultation, the insurer shall send: A copy of the first report of injury; the disability status report; and the current treating physician's work ability report.

Rights and responsibilities of the injured worker form

Per [Minn. R. 5220.1803, subp. 1](#), the rights and responsibilities form must be reviewed with the injured worker at your first in-person meeting.

- Read the form aloud to the employee and confirm their understanding.
- Provide written disclosure of ownership or referral arrangements.
- Obtain the employee's signature or, if they elect to not sign it, note that on the form.
- Give a copy of the form to the employee.

Rights and responsibilities of the injured worker form, continued

- Attach a copy of the form to the Rehabilitation Consultation Report (RCR) and file it in Work Comp Campus.
- Send the parties a copy when you distribute your RCR.

Disclosure of information

- Per [Minn. R. 5220.1803, subp. 1a](#), QRCs and QRC interns must disclose certain information at the first meeting or written communication with the employee. This includes:
 - ownership interest; and
 - business referral arrangement.
- This must be done in writing.
- Written disclosure is shared with all parties.
- Find a [sample disclosure of information template on the Department of Labor and Industry's \(DLI's\) website](#).

Rehabilitation consultation: Determining if an employee is a “qualified employee”

[Minn. R. 5220.0100, subp. 22](#), defines a qualified employee as someone who, because of the effects of a work-related injury:

- is permanently precluded or likely to be permanently precluded from their usual job;
- cannot reasonably be expected to return to their date of injury employer; and
- can be expected to return to suitable gainful employment through the provision of rehabilitation services, considering the treating physician’s opinion of the employee’s work ability.

Contacting the date of injury employer

Contacting the date of injury employer is an important step of the consultation for many reasons:

- you gain a direct understanding of the injured worker's employment status from the employer's perspective;
- it gives you an opportunity to request a position description; and
- if the employee is not returning to their job, it allows you to ask what type of employment reference the company will provide.

Rehabilitation consultation outcomes

There are three possible outcomes:

1. the employee is a qualified employee according to [Minn. R. 5220.0100, subp. 22](#);
2. the employee is not a qualified employee at this time according to [Minn. R. 5220.0100, subp. 22](#); or
3. the parties wish to initiate statutory rehabilitation services at this time.

Filing the rehabilitation consultation report

- Complete your rehabilitation consultation, then attach a narrative report explaining the basis for your opinion.
- File with DLI within 14 calendar days of your meeting.
 - It must be received by 11:59 p.m. on a day the state is open for business.
- Distribute copies to the parties, including the employer.
- If the employee is eligible for services, begin developing the Rehabilitation Plan (R-2).
- Campus allows you to save forms as a draft if you need to gather additional information, signatures, etc., after starting a form.

Developing the rehabilitation plan (R-2)

Purpose: The R-2 communicates to all interested parties, the vocational goal, the services and the projected amounts of time and money needed to achieve the vocational goal.

Timeline: Develop the R-2 in consultation with the parties within 30 days of the first in-person contact; circulate the proposed R-2 to parties for signature, giving 15 days to respond; and file the R-2 with DLI within 45 days of the rehabilitation consultation meeting or within 15 days of circulation to the parties, whichever is earlier.

Helpful hints for completing the R-2

- Fill in all required fields.
- Under QRC comments, clearly articulate the vocational goal. For example:
 - Ms. Doe will benefit from medical management and coordination of return-to-work services to assist her with returning to her date of injury employer.
 - Ms. Doe is unable to return to her date of injury employer. She will benefit from medical management and job placement assistance to return to suitable gainful employment.

R-2 filing

- Per [Minn. R. 5220.1803, subp. 5](#), the initial evaluation includes medical status, vocational history, educational history, social history, relevant economic factors, transferrable skills, employment barriers and recommendations.
- Attach the initial evaluation narrative report to your R-2.
 - If signatures were obtained, attach the signed R-2 to your submission.
 - If a signature of any party was not obtained, attach the correspondence as evidence of the date the plan was sent to each party.
- File the R-2 and supporting attachments with DLI within 45 days of the rehabilitation consultation meeting or within 15 days of circulation to the parties, whichever is earlier.

R-2 filing, continued

- Distribute to the parties upon filing.
 - A copy is also sent to the date of injury employer if the goal is to return to work there.

Job-placement services

- If job-placement services are necessary, they must be listed and described in the rehabilitation plan.
- If using a vendor, best practice is to recommend a specific vendor and get agreement from the insurer. List the vendor's name on the plan.
- The vendor invoices the insurer directly for services provided under the approved rehabilitation plan.
- Job-placement-related services may be provided by the QRC or the QRC firm's job-placement team.

Job-placement-related services

Job-seeking-skills training (code 9): The formal teaching of independent work search skills, including, but not limited to, the completion of applications, preparation of resumes, effectiveness in job interviews and techniques for obtaining job leads.

Job development (code 10A): Systematic contact with prospective employers resulting in opportunities for interviews and employment that might not otherwise have existed and includes identification of job leads and arranging for job interviews. Job development facilitates a prospective employer's consideration of a qualified employee for employment.

Job-placement-related services, continued

Job placement (code 10B): Activities that support a qualified employee's search for work, including preparation of a client to conduct an effective job search and communication of information about the labor market, programs or laws offering employment incentives and the qualified employee's physical limitations and capabilities as permitted by data privacy laws.

QRC coordination of job-placement services

When an employee is working with a placement specialist, the QRC is actively providing services and:

- ensures the placement specialist has up-to-date work ability information;
- works with the employee and placement specialist to develop appropriate job goals;
- works with the employee and placement specialist to remove barriers to employment; and
- recommends changes in placement services, job goals or plan direction as needed to assist the employee in returning to suitable gainful employment.

Payment limits on QRC, QRC intern services during job placement or development

- According to [Minn. R. 5220.1900, subp. 6a](#), when a rehabilitation provider other than the QRC or QRC intern is providing and billing for job-development or -placement services, payment for more than six hours of QRC services per calendar month requires specific approval by the insurer or a determination by the commissioner or a compensation judge.
- Travel and wait time are not included in the six-hour limit.
- Best practice: If you anticipate billing more than six hours to advance your client's rehabilitation plan, seek pre-approval from the insurer.

Impacts of date of injury on job placement, [Minn. Stat. 176.102, subd. 5](#)

Dates of injury on or after Oct. 1, 2013:

- Job-development services must not exceed 20 hours a month or 26 consecutive or intermittent weeks. After 13 weeks of job-development services, the QRC must have agreement of the parties to provide another 13 weeks of job development or file a rehabilitation request to address plan direction.
- There is no limit on job-placement hours or length of time.

Dates of injury through Sept. 30, 2013:

- There is no limit on job-placement or -development hours or length of time.

Plan progress report (PPR), [Minn. R. 5220.0450](#)

Purpose: To inform parties of the current status of the rehabilitation plan and provide a current estimate of plan cost and duration.

Timeline: File with the commissioner within 15 days after six months have passed from the date of the filing of the R-2.

Helpful hint: A PPR is not required if a Rehabilitation Plan Amendment (R-3), containing the required information, is filed within 15 days before or after six months of the R-2 filing.

PPR, continued

- Requirements:
 - the employee's current medical and work status;
 - rehabilitation services costs to date and estimated costs to plan completion;
 - duration of rehabilitation plan and estimated duration to completion; and
 - identification of barriers to successful completion and measures taken to overcome those barriers.
- File in Campus.
- Distribute to parties.

Rehabilitation plan amendment (R-3), [Minn. R. 5220.0510](#)

Purpose: To change QRCs; withdraw; or continue as QRC when the plan needs to be amended for good cause, including:

- a physical limitation interferes with plan implementation;
- the employee is not participating effectively in the plan;
- a need to change the vocational goal, projected cost or duration; or
- the employee feels ill-suited for the type of work for which rehabilitation is being provided.

Timeline: When one of the above circumstances occurs or if filing in lieu of a PPR.

Helpful hints for completing an R-3

- Fill in all required fields.
- Clearly state the proposed amendment and rationale.
- Develop in consultation with the parties.
- If completing in lieu of a PPR, complete items 20 through 23 on the form.
- Like the R-2, circulate for signatures, giving parties 15 days to review and return.

R-3 filing

- Attach a supporting narrative to the R-3 for filing in Campus.
- If signatures were obtained, attach the signed R-3 to your submission.
- If a signature of any party was not obtained, attach the correspondence as evidence of the date the plan amendment was sent to each party.
- File in Campus.
- Distribute to the parties upon filing.

Change of QRC – agreement of the parties or ordered

The previous QRC must:

- send a copy of the rehabilitation file to the new QRC with a cost breakdown of services by service code; and
- file a cost breakdown letter in Campus through the “Submit a Filing” function.

The new QRC must:

- complete a rights and responsibilities form, and a notice of disclosure, if applicable; and
- complete an R-3 indicating a change of QRC (to yourself) and attach a new rights and responsibilities form.

Retraining plan

Definition (Minn. R. 5220.0100, subp. 32):

- An individualized written plan describing a formal course of study through which the goal of the rehabilitation plan may be accomplished. Adult basic education or remedial programs may be a component of a retraining plan but do not constitute retraining in and of themselves.

Purpose (Minn. R. 5220.0750, subp. 1):

- To return the employee to suitable gainful employment through a formal course of study. Retraining is to be given equal consideration with other rehabilitation services and proposed for approval if other considered services are not likely to lead to suitable gainful employment.

Retraining: Factors to consider

Case law (*Poole v. Farmstead*) has established factors to consider:

- reasonableness of retraining, compared to the employee's return to work with the employer or through job search activities;
- likelihood of the employee succeeding in a formal course of study given the employee's abilities and interests;
- likelihood retraining will result in reasonably attainable employment; and
- likelihood retraining will produce an economic status as close as possible to that which the employee would have enjoyed without disability.

Retraining plan components – [Minn. R. 5220.0750, subp. 2](#)

- Retraining goal
- Information about the formal course of study
- Starting and completion dates
- Pre-injury job title and economic status
- Narrative rationale describing why the retraining is proposed
- Dated signatures of the parties on the retraining plan form
- Attachments, including a published course syllabus, physical requirements of the proposed job, medical documentation the work is appropriate, vocational testing and evaluation, and a recent labor market survey

Retraining plan Campus submission

- Convert all attachments to PDF files.
- Download and print a copy of the Campus retraining plan form to circulate. Note that if you submit or file the form before downloading it, the retraining plan form will disappear.
- The anticipated average weekly wage range requires you to select a number, not a range.

Agreed upon retraining plans

- DLI will review and respond within 30 days of receipt.
- DLI may:
 - request additional information from the parties;
 - recommend plan modifications; or
 - otherwise seek agreement about the plan.
- DLI notifies the QRC if the plan is approved or denied.

Notice of rehabilitation plan closure, R-8; [Minn. R. 5220.0510](#)

Purpose: To notify parties of closure of the rehabilitation plan.

Timeline: Within 30 calendar days of knowledge that:

- the employee has steadily been working at suitable gainful employment for 30 days or more, or the time period provided in the plan;
- rehabilitation benefits have been closed out by an award or stipulation;
- the employee and insurer have agreed to close the plan;
- the QRC has been unable to locate the employee following a good faith effort to do so;

Notice of rehabilitation plan closure, R-8

Minn. R. 5220.0510, continued

- the employee has died; or
- the commissioner or compensation judge has ordered the rehabilitation plan be closed and there has been no timely appeal of that order.

R-8 following insurer's denial of further liability

A QRC can also file an R-8 to withdraw following an insurer's denial of further liability.

- The QRC shall continue to provide services according to the plan until the R-8 is filed.
- The R-8 is filed if there is no pending litigation related to the denial. If there is related litigation, an R-3 withdrawal is filed to transfer services to DLI's Vocational Rehabilitation unit (VRU).
(See slide 37.)

Filing an R-3 to withdraw

- The QRC and vendor may not be paid if the insurer has denied further liability for the injury.
- The QRC can withdraw via an R-3 if a claim petition, objection to discontinuance, request for an administrative conference or other document initiating litigation has been filed on a liability issue.
- If the sole dispute is regarding discontinuance of compensation, you may only refer the file to DLI's VRU after there is an administrative decision on the discontinuance and an objection to that decision has been filed.

Filing an R-3 to withdraw, continued

- Develop an R-3 with attachments, including: a narrative report; a copy of the insurer's written denial; and costs-to-date broken down by service category.
 - In the rationale section, indicate you are withdrawing because: 1) primary liability is denied; 2) there is pending litigation related to the denial of liability; and 3) the file is being sent to VRU.
- Check “withdrawal of QRC” on the R-3. Do not list the name of a specific VRU QRC. VRU will assign the file upon receipt.
- File the R-3. By submitting, it is filed with DLI and simultaneously routed to VRU.
- Distribute to the parties.
- If criteria are not met for VRU to accept the file, VRU will notify the QRC, parties and DLI that the QRC remains the QRC of record.

Resource	Website
Minnesota Rules 5220	revisor.mn.gov/rules/5220
Sample disclosure of affiliations and/or relationships	dli.mn.gov/sites/default/files/doc/disclosure_affiliations_relationships.docx
Minnesota Statutes 176.102	revisor.mn.gov/statutes/cite/176.102

Thank you

Jordan Trumbo, MS, CRC
jordan.trumbo@state.mn.us
651-284-5153