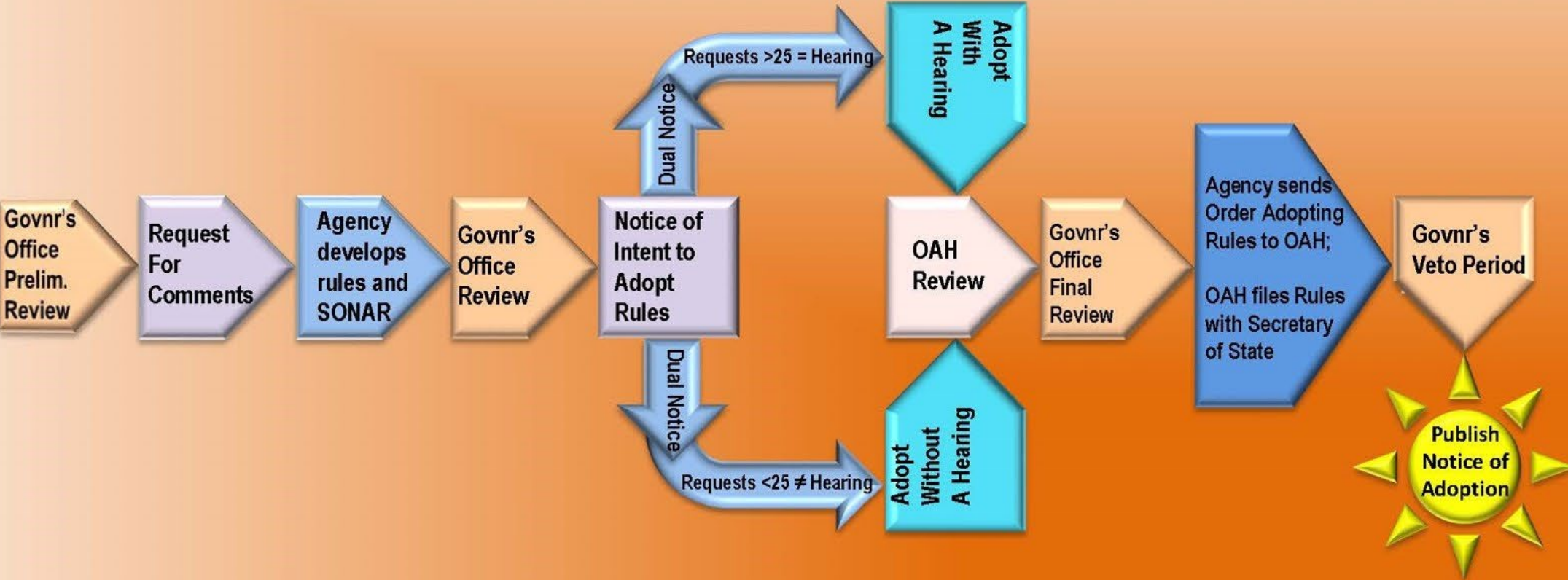


Rehabilitation registration rule updates

The rulemaking process

Rulemaking Progress Chart



About the rehabilitation rule updates

- The primary goal is to update the current rules to clarify requirements for qualified rehabilitation consultant (QRC) interns, QRCs, firms and vendors.
 - Proposed rules offer stand-alone sections about requirements for each type of provider or entity.
- The Department of Labor and Industry (DLI) is also proposing technical changes related to the updates to the registration requirements and some substantive changes to current rule requirements.
- The draft rule was first presented to the Rehabilitation Review Panel in July.
 - Our discussion today is based on that version of the draft, available at dli.mn.gov/sites/default/files/pdf/rrp_070721_draft_rehab_registration_rules.pdf.

Overview of draft rules

Definitions – 5220.0100

- Definitions have been added for QRC intern and QRC intern supervisor.
 - The definitions are in new subparts 23a and 23b.
- A change from “registered rehabilitation vendor” to “rehabilitation vendor” was made in subpart 25.

Technical changes – 5220.0410-.0510, 5220.1250

- All of the changes in these sections of the rules are to account for the change noted on the previous slides to use the term “Rehabilitation vendor.”
- The changes in part 5220.1250 include a substantive change to more clearly define the services provided by a rehabilitation vendor and to move a part of the rules from the current part 5220.1500 (which will be repealed) to this section.
 - Services are now job development and job placement, vocational testing, and transferrable skills analysis.
 - Language moved requires the DLI commissioner to review professional activities and services of rehabilitation providers to determine if they are reasonable and comply with laws and rules.

Intern, intern supervisor requirements – 5220.1410

- The proposed rules add a new part about requirements for QRC interns and supervisors.
 - It replaces much of the language from the current part 5220.1400 – which would be repealed – about qualifying criteria for rehabilitation consultants.
- There are four subparts about requirements and procedures for registration:
 - 1) requirements and application for QRC intern;
 - 2) approval or denial of intern registration;
 - 3) requirements during QRC internship; and
 - 4) requirements for intern supervisors.

Intern, intern supervisor requirements – 5220.1410, continued

- Key takeaways from subpart 1, Requirements and application:
 - states a QRC intern must be employed by a QRC firm;
 - lists required information in QRC application;
 - requires plan of supervision signed by supervisor as part of the application; and
 - a QRC intern registration expires in 36 months from the date of approval, and if requirements are not completed, the individual must reapply and restart the internship.
- The draft rule did not include a fee change. DLI will likely update fees (which have not changed since the 1990s) for interns, QRCs, firms and vendors in a subsequent version.

Intern, intern supervisor requirements – 5220.1410, continued

- Key takeaways from subpart 2, Approval or denial of intern registration:
 - approval or denial is required within 60 days;
 - describes potential grounds for denial and the appeal process; and
 - a QRC intern registration expires in 36 months from date of approval, and if requirements are not completed, the individual must reapply and restart the internship.

Intern, intern supervisor requirements – 5220.1410, continued

- Key takeaways from subpart 3, Requirements during internship:
 - notes required orientation and update sessions provided by DLI; and
 - breaks down requirements into billable hours instead of the current requirement in the rule to work for one year or 37 hours a week during a 52-week period.
 - Work providing rehabilitation services for at least 1,000 billable hours:
 - at least 100 billable hours must be in the areas of job seeking skills training, job development and job placement; and
 - at least 900 billable hours must be the provision of other rehabilitation services, including vocational counseling, medical management, transferable skills analysis, vocational testing, labor market analysis and coordination of return to work with the same employer.

Intern, intern supervisor requirements – 5220.1410, continued

- Key takeaways from subpart 3, Requirements during internship, continued:
 - must be the rehabilitation consultant on record for the following complete reports –
 - Rehabilitation Consultation Report,
 - R-2 Rehabilitation Plan,
 - Plan Progress Report or R-3 Rehabilitation Plan Amendment,
 - R-8 Notice of Rehabilitation Plan Closure; and
 - must prepare the following complete reports –
 - a narrative report that shows understanding of vocational testing,
 - a narrative report that shows understanding of transferable skills analysis,
 - a labor market survey.

Intern, intern supervisor requirements – 5220.1410, continued

- Key takeaways from subpart 4, Supervisor requirements:
 - must attend administrative conferences and hearings with intern and help with their preparation;
 - must review written work that substantively applies to scope of the rehabilitation plan; and
 - must have been registered as QRC for at least three years.

QRC requirements, registration – 5220.1510

- The proposed rules add a new part on the requirements and registration of QRCs:
 - replaces much of the language from the current part 5220.1500 – which would be repealed – about QRC registration.
- There are six subparts about requirements and procedures for registration:
 - 1) requirements to become a QRC;
 - 2) approval or denial of initial QRC application;
 - 3) renewal of QRC registration;
 - 4) a gap in QRC registration;
 - 5) approval or denial of renewal application; and
 - 6) the appeal process for denials.

QRC requirements, registration – 5220.1510, continued

- Key takeaways from subpart 1, Requirements for initial registration:
 - a QRC must be employed by a firm or have their own firm registered with DLI;
 - a QRC must have completed QRC intern requirements, with documentation of completion by a supervisor; and
 - information required for initial registration application –
 - includes proof of either certified rehabilitation counselor (CRC) or certified disability management specialist (CDMS) certification *or* a master's degree in vocational rehabilitation or rehabilitation counseling through a program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) and
 - includes dates of completion of DLI orientation session and rehabilitation provider updates.

QRC requirements, registration – 5220.1510, continued

- Key takeaways from subpart 2, Approval or denial of initial QRC application:
 - approval or denial is required within 60 days;
 - describes potential grounds for denial and the appeal process; and
 - notes registration expires one year from the date of the application approval.

QRC requirements, registration – 5220.1510, continued

- Key takeaways from subpart 3, Renewal of QRC registration:
 - must include much of the information from the initial application, such as the firm information and affirmation the applicant has residency in Minnesota or within 100 miles by road from the border;
 - additional information about the master's degree option – it requires 20 CEU credits approved by the Commission on Rehabilitation Counselor Certification or Certification of Disability Management Specialist in the year preceding filing of renewal –
 - there is a clause allowing a QRC registered before July 1, 2005, to meet requirements from their initial registration; and
 - if the registration expires before renewal, the QRC cannot provide services to injured workers.

QRC requirements, registration – 5220.1510, continued

- Key takeaways from subpart 4, Gap in QRC registration:
 - if a QRC wants to ensure there is no gap in their registration, they must submit their renewal at least 60 days before the expiration of their current license; and
 - if the registration is expired more than 12 months before the applicant files a renewal application, then the applicant must complete DLI's orientation session within 12 months (before or after) filing their renewal application.

QRC requirements, registration – 5220.1510, continued

- Key takeaways from subpart 5, Approval or denial of renewal application:
 - like the initial application, approval or denial is required within 60 days and describes potential grounds for denial and the appeal process;
 - describes the process to submit a new application if a previous application was denied and any appeals are exhausted; and
 - describes when the approved registration expires – dependent on if the applicant was still registered when DLI receives their application.

QRC requirements, registration – 5220.1510, continued

- Key takeaways from subpart 6, Appeal process for denials:
 - describes the process to appeal a denial of an initial or renewal application –
 - must file a written request for hearing within 30 days of service of order denying application and
 - the request is transferred to the Rehabilitation Review Panel, according to Minnesota Statutes, section 176.103, subd. 3.

QRC firm requirements, registration – 5220.1610

- The proposed rules add a new part about requirements and registration of QRC firms:
 - replaces much of the language from current part 5220.1600 – which would be repealed – about QRC firm approval.
- There are six subparts about requirements and procedures for registration:
 - 1) requirements for QRC firms;
 - 2) staffing requirements;
 - 3) QRC firm registration;
 - 4) approval or denial of application;
 - 5) appeal process for denials; and
 - 6) transfer of rehabilitation plans.

QRC firm requirements, registration – 5220.1610, continued

- Key takeaways from subpart 1, Requirements for QRC firms:
 - ownership by a QRC or entity registered with the Minnesota Secretary of State –
 - if not owned by an individual, management staff must include at least one full-time QRC;
 - the firm must maintain at least one office in Minnesota or within 100 miles by road –
 - if they do not on effective dates of rules, they will be given written notice of requirement to comply by DLI;
 - the firm is responsible for making sure employees who provide rehabilitation services attend provider updates and orientation sessions;
 - the firm must retain injured worker files for at least five years after closure; and
 - the firm must notify DLI of any changes, including changes to employees who provide rehabilitation services.

QRC firm requirements, registration – 5220.1610, continued

- Key takeaways from subpart 2, Staffing requirements for QRC firms:
 - at least 60% of QRC employees providing services to injured workers must be QRCs or QRC interns; and
 - details when firms with four or fewer full-time QRCs or interns may employ others to provide job analysis, job skills training, job development and job placement services under supervision of assigned QRC or intern –
 - this would only apply to files a QRC or QRC intern employed by same firm is assigned.

QRC firm requirements, registration – 5220.1610, continued

- Key takeaways from subpart 3, QRC firm registration:
 - describes required information about the QRC firm application, including –
 - ownership information,
 - name and job title of each employee providing rehabilitation services to injured workers,
 - registration fee; and
 - the same circumstances described for QRCs regarding a potential gap in registration apply.

QRC firm requirements, registration – 5220.1610, continued

- Key takeaways from subpart 4, Approval or denial of renewal application:
 - approval or denial is required within 60 days and this subpart describes potential grounds for denial and the appeal process; and
 - describes when the approved registration expires – dependent on if the applicant was still registered when DLI receives their application.

QRC firm requirements, registration – 5220.1610, continued

- Key takeaways from subpart 5, Appeal process for denials:
 - describes process to appeal a denial of an initial or renewal application –
 - must file a written request for hearing within 30 days of service of order denying application and
 - the request is transferred to the Rehabilitation Review Panel according to Minn. Stat., section 176.103, subd. 3.

QRC firm requirements, registration – 5220.1610, continued

- Key takeaways from subpart 6, Transfer of rehabilitation plans:
 - if the registration of a QRC firm expires, then the QRC consultant who owns the firm or a member of the management staff must ensure any active rehabilitation plans are transferred to another QRC or QRC firm as required under part 5220.1802, subp. 4a.

Vendor requirements, registration – 5220.1710

- The proposed rules add a new part about requirements and registration of QRC vendors.
 - This replaces much of the language from current part 5220.1700 – which would be repealed – about rehabilitation vendor approval.
- There are four subparts about requirements and procedures for registration:
 - 1) requirements for rehabilitation vendors;
 - 2) vendor registration;
 - 3) approval or denial of application; and
 - 4) appeal process for denials.

Vendor requirements, registration – 5220.1710, continued

- Key takeaways from subpart 1, Requirements for rehabilitation vendors:
 - the vendor must maintain at least one office in Minnesota or within 100 miles by road –
 - if they do not on effective dates of rules, they will be given written notice of the requirement to comply by DLI;
 - the vendor may only provide services to injured workers under the approved rehabilitation plan and must communicate with assigned QRC or intern regarding all services provided;
 - vendor employees must attend rehabilitation provider updates and orientation sessions if providing rehabilitation services;
 - the vendor must provide case files to the QRC firm within two weeks of closure; and
 - the vendor must not employ or engage the services of a QRC.

Vendor requirements, registration – 5220.1710, continued

- Key takeaways from subpart 2, Rehabilitation vendor registration:
 - describes required information on the vendor application, including –
 - ownership information,
 - name and job title of each employee and whether they are providing rehabilitation services to injured workers and
 - registration fee;
 - the same circumstances described for QRCs and firms regarding a potential gap in registration apply.

Vendor requirements, registration – 5220.1710, continued

- Key takeaways from subpart 3, Approval or denial of renewal application:
 - essentially the same process as QRC firms;
 - approval or denial is required within 60 days and describes potential grounds for denial and the appeal process; and
 - describes when the approved registration expires – dependent on if the applicant was still registered when DLI receives their application.

Vendor requirements, registration – 5220.1710, continued

- Key takeaways from subpart 4, Appeal process for denials:
 - again, the same process compared with the QRC firm; and
 - the rule describes the process to appeal a denial of an initial or renewal application –
 - must file written request for hearing within 30 days of service of order denying application and
 - the request is transferred to the Rehabilitation Review Panel according to Minn. Stat., section 176.103, subd. 3.

Additional technical changes in 5220.1750 through .1900

- Part 5220.1750 exempts DLI's Vocational Rehabilitation unit and its employees from the registration fees.
 - This is not a substantive change – the Vocational Rehabilitation unit is currently exempt – but is a drafting change compared with the current rule where the exemption is noted in various parts.
- All the other changes in these sections of the proposed rules are to account for the change noted earlier to use the term “rehabilitation vendor” instead of “registered rehabilitation vendor.”

Repealed sections

- Because the new sections of the rules are meant to clarify current registration processes, the descriptions in the current rules are no longer necessary.
- Therefore, the proposed rules repeal – or delete – the language in current parts 5220.1400, 5220.1500, 5220.1600 and 5220.1700.

Additional resources

- **The rulemaking docket page, available at:** dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-5220-2022
 - Includes July 2022 version of draft rule
- **Current rules in chapter 5220, available at:** revisor.mn.gov/rules/5220/
- **Chapter 176.102: Rehabilitation, available at:** revisor.mn.gov/statutes/cite/176.102
- **DLI website for rehabilitation providers, available at:** dli.mn.gov/business/workers-compensation/work-comp-rehabilitation-providers

Questions?

Thank you.

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