

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

8/23/18. For discussion purposes only; draft will change.

1 **5220.0100 DEFINITIONS.**

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

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

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15 **Subp. 23b. Qualified rehabilitation consultant intern supervisor.** “Qualified rehabilitation consultant
16 intern supervisor” means a person who provides direct supervision, guidance, and work experience to a
17 qualified rehabilitation consultant intern for the successful completion of the internship according to part
18 5220.1410.

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

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

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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.

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38 **5220.0410 REHABILITATION PLAN.**

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40 **Subp. 9. Administration of plan.**

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

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5220.0450 PLAN PROGRESS REPORT.

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Subp. 4. Commissioner’s actions.

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- A. requesting additional information from the assigned qualified rehabilitation consultant, the qualified rehabilitation consultant firm, and the ~~registered~~-rehabilitation vendor;

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5220.0510 PLAN AMENDMENT AND CLOSURE.

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Subp. 3. Requirements.

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- D. if the amendment adds rehabilitation services, an itemization of each additional rehabilitation service to be provided including any ~~registered~~-rehabilitation vendor names, dates of initiation and completion, and estimated costs of each service;

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5220.1250 ROLES OF REGISTERED REHABILITATION PROVIDERS.

An entity may be approved to provide rehabilitation services either as a ~~registered~~-rehabilitation vendor or as a qualified rehabilitation consultant firm. An individual may be approved to provide rehabilitation services as a qualified rehabilitation consultant intern or, in cases of completion of internship and registration renewal, as a qualified rehabilitation consultant.

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

A qualified rehabilitation consultant firm is approved for the purpose of employing qualified rehabilitation consultants, qualified rehabilitation consultant interns, and other professional staff as provided in parts 5220.1600 and 5220.1610.

A ~~registered~~-rehabilitation vendor is approved for the purpose of providing the workers’ compensation rehabilitation services of job development and job placement under an approved rehabilitation plan.

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

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

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

5220.1410 QUALIFIED REHABILITATION CONSULTANT INTERNS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

Subpart 1. Requirements to become a qualified rehabilitation consultant intern.

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

- A. A qualified rehabilitation consultant intern must be employed by a qualified rehabilitation consultant firm.
- B. The applicant must file with the commissioner in the format prescribed by the commissioner a complete application for qualified rehabilitation consultant intern registration 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 required by Minnesota Statutes, section 270C.72, subdivision 4;
 3. The name of the registered rehabilitation firm that will employ the applicant and the name of the applicant’s qualified rehabilitation consultant intern supervisor;
 4. The projected date by which the applicant will obtain one of the certifications listed in subpart 3, item M, or a master’s degree under subpart 3, item N;
 5. A list of languages other than English that the applicant wants to be identified as proficient in providing rehabilitation services;
 6. Agreement to immediately notify the department of any change in rehabilitation firm employment status;
 7. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road from the Minnesota border; and
 8. The \$X application fee.
- C. Everything in the application for qualified rehabilitation consultant intern registration must be true.
- D. The applicant or the supervisor must submit to the department a declaration signed by the supervisor that the supervisor will comply with all of the requirements in subpart 4.
- E. The supervisor must have been registered as a qualified rehabilitation consultant for at least three years.

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

- A. Within 60 days after receiving a complete application for qualified rehabilitation consultant intern registration, the commissioner must approve or deny the application and notify the applicant whether the application is approved or denied.
- B. If the application is approved, the commissioner shall assign a registration number to the qualified rehabilitation consultant intern.
- C. The following constitute grounds for denial of the application:
 - 1. The applicant failed to comply with the requirements in subpart 1;
 - 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued under those statutes or rules; or
 - 3. The applicant has outstanding fines or penalties with the department.
- D. Qualified rehabilitation consultant intern registration expires 36 consecutive months from the date that it is approved. If a person’s qualified rehabilitation consultant intern registration expires before the person completes all of the requirements in subpart 3 and files an application for initial registration as a qualified rehabilitation consultant, the person must reapply for qualified rehabilitation consultant intern registration and restart the internship from the beginning. The person must complete the requirements in subpart 3, items A to L, after the date the subsequent application for qualified rehabilitation consultant intern registration is approved, and must also comply with subpart 3, items M and N.

Subp. 3. Requirements during the internship.

During the internship, a qualified rehabilitation consultant intern must:

- A. Comply with the provisions of Minnesota Statutes, chapter 176; Minnesota Rules, parts 5220.0100 to 5220.1900; and any orders issued under these statutes or rules;
- B. Complete an introductory orientation training session sponsored by the department within 12 months of approval of qualified rehabilitation consultant intern registration;
- C. Complete all of the department’s rehabilitation provider update sessions;
- D. Notify the commissioner within two weeks of a change in home address, designated mailing address (if different from the home address), or employment with the registered rehabilitation firm;
- E. Notify the department before changing supervisor, and ensure that the new supervisor complies with the requirements in subpart 1, items C and D;
- F. Appear at administrative conferences and hearings with the supervisor when requested or subpoenaed;
- G. Copy the supervisor on all written work;
- H. Work as the assigned qualified rehabilitation consultant intern on 12 or more rehabilitation plans under Minnesota Statutes, section 176.102;
- I. Work providing rehabilitation services for at least 1000 billable hours:
 - 1. At least 100 billable hours must be in the areas of job seeking skills training, job development, and job placement; and
 - 2. 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;

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- 181 J. Ensure that all documents bearing the name of the intern designate the intern as a “qualified
182 rehabilitation consultant intern” and include the intern’s registration number;
- 183 K. Be the rehabilitation consultant of record for at least one of each of the following complete
184 reports:
 - 185 1. Rehabilitation Consultation Report that explains the basis for the eligibility determination;
 - 186 2. Rehabilitation Plan with an initial evaluation narrative report that includes medical status,
187 vocational history, educational history, social history, relevant economic factors, transferable
188 skills, employment barriers, and recommendations;
 - 189 3. Plan Progress Report or Rehabilitation Plan Amendment with a narrative report that
190 identifies barriers to the employee’s successful completion of the rehabilitation plan and the
191 measures the intern planned to overcome each of the identified barriers; and
 - 192 4. Notice of Rehabilitation Plan Closure with a narrative summary report that includes all
193 rehabilitation plan services provided;
- 194 L. Prepare at least one of each of the following complete reports:
 - 195 1. A narrative report that shows the intern’s understanding of vocational testing;
 - 196 2. A narrative report that shows the intern’s understanding of a transferable skills analysis; and
 - 197 3. A labor market survey that shows the intern’s understanding of the injured employee’s
198 qualifications, work restrictions, and labor market conditions;
- 199 M. Obtain one of the following certifications by the completion of the internship, except as provided
200 in item N:
 - 201 1. Certified Rehabilitation Counselor (CRC) from the Commission on Rehabilitation Counselor
202 Certification; or
 - 203 2. Certified Disability Management Specialist (CDMS) from the Certification of Disability
204 Management Specialist;
- 205 N. Instead of obtaining one of the certifications in item M, obtain or hold a master’s degree in
206 vocational rehabilitation or rehabilitation counseling through a program accredited by Council on
207 Rehabilitation Education (CORE) or Council for Accreditation of Counseling and Related
208 Educational Programs (CACREP).

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

210 A qualified rehabilitation consultant intern supervisor is responsible for all of the intern’s rehabilitation
211 work. During the internship, the supervisor must:

- 212 A. Review the rehabilitation statutes and rules with the intern before the intern meets with an
213 injured employee for the first time and throughout the internship as needed to ensure the intern’s
214 compliance with the statutes and rules;
- 215 B. Not bill for supervisory duties;
- 216 C. Monitor the intern’s progress towards completing the internship;
- 217 D. Attend all administrative conferences and hearings with the intern and ensure that the intern
218 reviews the rehabilitation file and is prepared to respond to questions relevant to the subject of
219 the conference, including questions about the rehabilitation plan, payment for rehabilitation
220 services, and the reasonableness and necessity of rehabilitation services; and
- 221 E. Coordinate the transfer of the intern’s files so that injured employees continue to receive
222 rehabilitation services in accordance with part 5220.0710 if the intern leaves employment with
223 the firm.
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226 **Subp. 5. Appeal process for denials.**

- 227 A. An applicant may appeal the commissioner's order denying an application for qualified
- 228 rehabilitation consultant intern registration.
- 229 B. To appeal the commissioner's order, the applicant must file a written request for hearing with the
- 230 commissioner within 30 days of service of the order denying the application.
- 231 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 232 Statutes, section 176.102, subdivision 3.

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235 **5220.1510 QUALIFIED REHABILITATION CONSULTANTS: REQUIREMENTS AND**

236 **PROCEDURES FOR REGISTRATION.**

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238 **Subpart 1. Completion of qualified rehabilitation consultant internship and requirements to**

239 **become a qualified rehabilitation consultant.**

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

241 requirements:

- 242 A. A qualified rehabilitation consultant must be employed by a qualified rehabilitation consultant
- 243 firm.
- 244 B. At the time the applicant files the initial application for qualified rehabilitation consultant
- 245 registration:
 - 246 1. The applicant must be registered as a qualified rehabilitation consultant intern;
 - 247 2. The applicant must have been registered as a qualified rehabilitation consultant intern for at
 - 248 least 12 months; and
 - 249 3. Within 36 months after the date the applicant most recently became registered as a qualified
 - 250 rehabilitation consultant intern, the applicant must have completed the requirements specified
 - 251 in part 5220.1410, subpart 3.
- 252 C. The applicant must file with the commissioner in the format prescribed by the commissioner a
- 253 complete initial application for qualified rehabilitation consultant registration that includes:
 - 254 1. The applicant's name, phone number, home address, designated mailing address (if different
 - 255 from the home address), and email address;
 - 256 2. The applicant's social security number or individual taxpayer identification number and
 - 257 Minnesota business identification number, as required by Minnesota Statutes, section
 - 258 270C.72, subdivision 4;
 - 259 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
 - 260 4. The date when the applicant completed the department's orientation session;
 - 261 5. Each date when the applicant completed one of the department's rehabilitation provider
 - 262 update sessions;
 - 263 6. A form approved by the commissioner and signed by the applicant's qualified rehabilitation
 - 264 consultant intern supervisor certifying that the applicant complied with each of the
 - 265 requirements in 5220.1410, subpart 3, items F through L;
 - 266 7. Proof that the applicant has obtained one of the certifications listed in 5220.1410, subpart 3,
 - 267 item M, or a master's degree as provided in 5220.1410, subpart 3, item N;
 - 268 8. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
 - 269 from the Minnesota border; and
 - 270 9. The registration fee of \$X.

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271 D. Everything in the application for initial registration must be true.

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

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

277 B. If the application is approved, the commissioner shall assign a registration number to the
278 qualified rehabilitation consultant.

279 C. The following constitute grounds for denial of the application:

280 1. The applicant failed to comply with the requirements in subpart 1;

281 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
282 Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued under those statutes or
283 rules; or

284 3. The applicant has outstanding fines or penalties with the department.

285 D. The qualified rehabilitation consultant registration expires one year from the date the application
286 is approved.

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288 **Subp. 3. Renewal of qualified rehabilitation consultant registration.**

289 To renew registration as a qualified rehabilitation consultant, the applicant must meet the following
290 requirements:

291 A. A qualified rehabilitation consultant must be employed by a qualified rehabilitation consultant
292 firm.

293 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
294 complete renewal application for qualified rehabilitation consultant registration that includes:

295 1. The applicant's name, phone number, home address, designated mailing address (if different
296 from the home address), and email address;

297 2. The applicant's social security number or individual taxpayer identification number and
298 Minnesota business identification number, as required by Minnesota Statutes, section
299 270C.72, subdivision 4;

300 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;

301 4. The most recent date when the applicant completed one of the department's rehabilitation
302 provider update sessions;

303 5. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
304 from the Minnesota border;

305 6. The registration fee of \$X;

306 7. One of the following, except as provided in subitem 8:

307 i. A copy of the applicant's certification as a Certified Rehabilitation Counselor (CRC) or a
308 Certified Disability Management Specialist (CDMS); or

309 ii. If the applicant has a master's degree as provided in 5220.1410, subpart 3, item N, copies
310 of certificates showing that the applicant completed twenty continuing education credits
311 approved by the Commission on Rehabilitation Counselor Certification or the
312 Certification of Disability Management Specialist in the year preceding the filing of the
313 renewal application; the certificates cannot have been submitted in the previous year's
314 renewal application;

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- 315 8. A qualified rehabilitation consultant registered with the commissioner before July 1, 2005,
316 and continuously registered since that date, may either continue to meet the certification
317 requirements in effect at the time of initial registration or meet one of the requirements in
318 subitem 7.
- 319 C. Everything in the application for renewal registration must be true;
- 320 D. The applicant must have completed the department’s most recent rehabilitation provider update
321 session; and
- 322 E. If the applicant wants there to be no gap in qualified rehabilitation consultant registration, the
323 applicant must submit the renewal application for qualified rehabilitation consultant registration
324 at least 60 days before expiration of the applicant’s current registration; the applicant must not
325 provide rehabilitation services if the applicant’s registration expires before submission of a
326 complete renewal application or before the commissioner has approved or denied the application
327 within 60 days pursuant to subpart 5.

Subp. 4. Gap in qualified rehabilitation consultant registration.

329 If an applicant’s qualified rehabilitation consultant registration expired more than twelve months before
330 the applicant files a renewal application for qualified rehabilitation consultant registration, the applicant
331 must complete the department’s orientation session within twelve months before or after the applicant
332 files the renewal application.
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Subp. 5. Approval or denial of renewal application.

- 335 A. Within 60 days after receiving a complete renewal application for qualified rehabilitation
336 consultant registration, the commissioner must approve or deny the application and notify the
337 applicant whether the application is approved or denied.
- 338 B. The following constitute grounds for denial of the application:
339 1. The applicant failed to comply with the requirements in subpart 3;
340 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
341 Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued under those statutes or
342 rules; or
343 3. The applicant has outstanding fines or penalties with the department.
- 344 C. If the commissioner denies a renewal application under item B, subitem 2, and the denial is final
345 because the qualified rehabilitation consultant did not file a timely request for hearing or a
346 hearing was timely requested and all appeals have been exhausted, another renewal application
347 may be filed only if the requirements of subitem 1 or subitem 2 are met.
348 1. The former qualified rehabilitation consultant may file another renewal application if the
349 applicant has entered into a stipulated agreement with the commissioner regarding the
350 violations of statute, rule, or order that were cited as the basis for denial of the renewal
351 application and the stipulation allows the former qualified rehabilitation consultant to reapply
352 after a specified period of time; or
353 2. The former qualified rehabilitation consultant may file another renewal application if six
354 months have passed since the denial of the previous renewal application became final, and
355 the subsequent application is accompanied by a statement and documentation that shows
356 what the applicant has done and will do to ensure that the applicant complies with Minnesota
357 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, and any orders issued
358 under those statutes or rules.
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360 The commissioner must approve or deny the new renewal application according to items A and
361 B of this subpart and, if applicable, after determining whether the applicant’s statement and
362 documentation in subitem 2 demonstrates that the applicant is not likely to violate Minnesota
363 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued
364 under those statutes or rules.

- 365 D. If the applicant was registered as a qualified rehabilitation consultant on the date that the
366 commissioner received the application, the qualified rehabilitation consultant registration expires
367 one year after the applicant’s current registration was set to expire.
- 368 E. If the applicant was not registered as a qualified rehabilitation consultant on the date that the
369 commissioner received the application, the qualified rehabilitation consultant registration expires
370 one year from the date the application is approved.

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

- 373 A. An applicant may appeal the commissioner’s order denying an initial application for qualified
374 rehabilitation consultant registration or a renewal application for qualified rehabilitation
375 consultant registration.
- 376 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
377 commissioner within 30 days of service of the order denying the application.
- 378 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
379 Statutes, section 176.102, subdivision 3.
- 380 D. The filing of a timely request for hearing on an order denying a renewal application will stay the
381 effect of the denial until final disposition of the appeal.

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384 **5220.1600 PROCEDURE FOR APPROVAL AS QUALIFIED REHABILITATION**
385 **CONSULTANT FIRMS: STAFFING REQUIREMENTS.**

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387 **Subpart 1. Criteria.** ~~Each office of the qualified rehabilitation consultant firm that provides services to~~
388 ~~injured employees under Minnesota Statutes, chapter 176, shall be listed on the application described in~~
389 ~~subpart 2.~~

390 ~~The management staff shall consist of at least one employee who is registered as a qualified~~
391 ~~rehabilitation consultant.~~

- 392 A. An employer or insurer must be registered as a qualified rehabilitation consultant firm in order to
393 provide rehabilitation services. A qualified rehabilitation consultant or qualified rehabilitation
394 consultant intern employed by an employer or insurer must only provide rehabilitation
395 consultation services for the claims being handled by the entity by whom the qualified
396 rehabilitation consultant or qualified rehabilitation consultant intern is employed.
- 397 B. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation
398 services to qualified employees shall be qualified rehabilitation consultants or qualified
399 rehabilitation consultant interns.
- 400 C. Any firm employing four or fewer full-time qualified rehabilitation consultants or qualified
401 rehabilitation consultant interns may employ up to two employees who are not qualified
402 rehabilitation consultants or qualified rehabilitation interns who may, under the direct
403 supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation
404 consultant intern, provide the services of job analysis, job seeking skills training, job

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405 development, and job placement. However, as restricted by part 5220.1250, employees who are
406 not qualified rehabilitation consultants or qualified rehabilitation consultant interns may provide
407 these prescribed services only in cases for which a qualified rehabilitation consultant or qualified
408 rehabilitation consultant intern employed by the same firm is the assigned qualified rehabilitation
409 consultant. ~~Any branch office openings or closings shall be reported to the department within~~
410 ~~two weeks of the occurrence as shall any change in the firm address, telephone number, or~~
411 ~~contact person. Any change of staff who provide direct services to injured workers under a~~
412 ~~rehabilitation plan or of staff who directly supervise those persons shall be reported to the~~
413 ~~department within two weeks of the change.~~
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415 **Subp. 2. Application.** ~~A private or public entity desiring to be approved as a qualified rehabilitation~~
416 ~~consultant firm shall submit to the commissioner a complete application consisting of the following:~~

- 417 ~~A. a completed, signed, and notarized application;~~
- 418 ~~B. any data or information attached to support the application;~~
- 419 ~~C. the annual registration application fee of \$200 per firm; and~~
- 420 ~~D. the name and telephone number of a contact person and an address where certified mail can be~~
421 ~~delivered.~~

422 ~~The Vocational Rehabilitation Unit of the Department of Labor and Industry is exempt from~~
423 ~~payment under this subpart.~~
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425 **Subp. 2a. Approval of registration as a qualified rehabilitation consultant firm.** ~~The approval~~
426 ~~process shall be conducted the same as provided in part 5220.1500, subpart 1a.~~
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428 **Subp. 3. Appeal process.** ~~The appeal process shall be conducted the same as that provided in part~~
429 ~~5220.1500, subpart 2.~~
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431 **Subp. 4. Renewal.** ~~The renewal process shall be conducted the same as that provided in part~~
432 ~~5220.1500, subpart 3.~~
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434 **Subp. 5. Revocation.** ~~The revocation process shall be conducted as provided in Minnesota Statutes,~~
435 ~~section 176.102, subdivision 3a.~~
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438 **5220.1610 QUALIFIED REHABILITATION CONSULTANT FIRMS: REQUIREMENTS AND**
439 **PROCEDURES FOR REGISTRATION.**
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441 **Subpart 1. Requirements for qualified rehabilitation consultant firms.** At all times while registered
442 with the commissioner, a qualified rehabilitation consultant firm must meet the requirements in items A
443 through J.

- 444 A. The firm must be owned by:
 - 445 1. An individual who is a qualified rehabilitation consultant; or
 - 446 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 447 B. If the firm is owned by an entity other than an individual, the management staff must include at
448 least one full-time employee who is a qualified rehabilitation consultant.

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- 449 C. The firm must maintain workers' compensation insurance if required by Minnesota Statutes,
450 chapter 176.
- 451 D. The firm must maintain at least one office where rehabilitation services are provided in
452 Minnesota or within 100 miles by road from the Minnesota border.
- 453 E. The firm must cooperate in any request for information or investigation by the department.
- 454 F. The firm must not provide rehabilitation services unless the qualified rehabilitation consultant or
455 qualified rehabilitation consultant intern assigned to the injured employee's case file is an
456 employee of the firm.
- 457 G. Each employee of the firm who provides services to injured employees must attend all of the
458 department's rehabilitation provider update sessions.
- 459 H. If the firm hires a new employee who will provide services to injured employees, that employee
460 must, within 12 months of employment, complete the department's orientation session.
- 461 I. The firm must retain each of the firm's injured employee case files for at least five years after the
462 date of file closure.
- 463 J. Within two weeks of the change, the firm must report to the department any change in any of the
464 information provided to the department on the firm's registration application, including any
465 change in employees who provide services to injured employees.
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467 **Subp. 2. Qualified rehabilitation consultant firm registration.** For registration as a qualified
468 rehabilitation consultant firm, the applicant must meet the following requirements:

- 469 A. The applicant must file with the commissioner in the format prescribed by the commissioner a
470 complete application for qualified rehabilitation consultant firm registration that includes:
 - 471 1. The applicant's name and every business address where the applicant will provide
472 rehabilitation services;
 - 473 2. The applicant's social security number or individual taxpayer identification number and
474 Minnesota business identification number, as required by Minnesota Statutes, section
475 270C.72, subdivision 4;
 - 476 3. If the firm is owned by an individual, that individual's phone number, email address, home
477 address, social security number, and any state and federal employer identification numbers;
 - 478 4. If the firm is not owned by an individual:
 - 479 i. The name and address of the firm's agent registered with the Secretary of State;
 - 480 ii. A different name and address for legal service on the firm, if the firm chooses to accept
481 legal service from the department at an address different from the registered address; and
 - 482 iii. The name, address, and telephone number of the full-time member of the management
483 staff who is a qualified rehabilitation consultant;
 - 484 5. The registration fee of \$X;
 - 485 6. The name and job title of each current employee of the firm, an indication of whether each
486 employee will provide services to injured employees, and an indication of whether each
487 employee is a qualified rehabilitation consultant or a qualified rehabilitation consultant
488 intern;
 - 489 7. For each employee who has provided or will provide services to injured employees, the most
490 recent date the employee completed the department's rehabilitation provider update session;
 - 491 8. Proof of workers' compensation insurance or an explanation of why no workers'
492 compensation insurance is required; and

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- 493 9. Affirmation that one of the offices where the applicant will provide rehabilitation services is
494 located in Minnesota or within 100 miles by road from the Minnesota border.
495 B. Everything in the application for registration must be true.
496 C. The applicant must meet the requirements of subpart 1.
497 D. If the application is for renewal of qualified rehabilitation consultant firm registration and the
498 applicant wants there to be no gap in registration, the applicant must submit the renewal
499 application at least 60 days before expiration of the applicant’s current registration.
500

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

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

520 **Subp. 4. Transfer of rehabilitation plans.**

521 If the registration of a qualified rehabilitation consultant firm expires, then the qualified rehabilitation
522 consultant who owns the firm or is a member of the firm’s management staff must ensure that all of the
523 firm’s rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified
524 rehabilitation consultant firm as required by part 5220.1802, subpart 4a.
525

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

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

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537 **5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES FOR**
538 **REGISTRATION.**

539

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

- 542 A. The rehabilitation vendor must be owned by:
- 543 1. An individual; or
- 544 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 545 B. The rehabilitation vendor must maintain workers' compensation insurance if required by
- 546 Minnesota Statutes, chapter 176.
- 547 C. The rehabilitation vendor must maintain at least one office where services to injured employees
- 548 are provided in Minnesota or within 100 miles by road from the Minnesota border, except that a
- 549 rehabilitation vendor that was registered with the commissioner but did not maintain at least one
- 550 office where services to injured employees were provided in Minnesota or within 100 miles by
- 551 road from the Minnesota border on July 1, 2018, may continue to be registered as a rehabilitation
- 552 provider.
- 553 D. The rehabilitation vendor must cooperate in any request for information or investigation by the
- 554 department.
- 555 E. The rehabilitation vendor may only provide services to injured employees under an approved
- 556 rehabilitation plan.
- 557 F. The rehabilitation vendor must promptly communicate with the assigned qualified rehabilitation
- 558 consultant or qualified rehabilitation consultant intern regarding all services that the
- 559 rehabilitation vendor provides to injured employees.
- 560 G. Each employee of the rehabilitation vendor who provides services to injured employees must
- 561 attend all of the department's rehabilitation provider update sessions.
- 562 H. If the rehabilitation vendor hires a new employee who will provide services to injured
- 563 employees, that employee must, within 12 months of employment, complete the department's
- 564 orientation session.
- 565 I. Within two weeks after closing a case file, the rehabilitation vendor must provide the case file to
- 566 the qualified rehabilitation consultant firm that employs the qualified rehabilitation consultant or
- 567 qualified rehabilitation consultant intern assigned to the file.
- 568 J. Within two weeks of the change, the rehabilitation vendor must report to the department any
- 569 change in any of the information provided to the department on the rehabilitation vendor's
- 570 registration application, including any change in employees who provide services to injured
- 571 employees.
- 572 K. The rehabilitation vendor must not employ or otherwise engage the services of a qualified
- 573 rehabilitation consultant.
- 574

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

- 577 A. The applicant must file with the commissioner in the format prescribed by the commissioner a
578 complete application for rehabilitation vendor registration that includes:

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- 579 1. The applicant’s name and every business address where the applicant will provide services to
580 injured employees;
581 2. The applicant’s taxpayer identification number and Minnesota business identification
582 number, as required by Minnesota Statutes, section 270C.72, subdivision 4;
583 3. If the rehabilitation vendor is owned by an individual, that individual’s phone number, email
584 address, home address, social security number, and any state and federal employer
585 identification numbers;
586 4. If the rehabilitation vendor is not owned by an individual:
587 i. The name and address of the rehabilitation vendor’s agent registered with the Secretary
588 of State; and
589 ii. A different name and address for legal service on the rehabilitation vendor, if the
590 rehabilitation vendor chooses to accept legal service from the department at an address
591 different from the registered address;
592 5. The registration fee of \$X;
593 6. The name and job title of each current employee of the rehabilitation vendor and an
594 indication of whether each employee will provide services to injured employees;
595 7. For each employee who has provided or will provide services to injured employees, the most
596 recent date the employee completed the department’s rehabilitation provider update session;
597 8. The name of each manager of the rehabilitation vendor;
598 9. Proof of workers’ compensation insurance or an explanation of why no workers’
599 compensation insurance is required; and
600 10. Affirmation that one of the offices where the applicant will provide services to injured
601 employees is located in Minnesota or within 100 miles by road from the Minnesota border,
602 except that a rehabilitation vendor that was registered with the commissioner but did not
603 maintain at least one office where services to injured employees were provided in Minnesota
604 or within 100 miles by road from the Minnesota border on July 1, 2018, is not required to
605 make this affirmation.
606 B. Everything in the application for registration must be true.
607 C. The applicant must meet the requirements of subpart 1.
608 D. If the application is for renewal of rehabilitation vendor registration and the applicant wants there
609 to be no gap in registration, the applicant must submit the renewal application at least 60 days
610 before expiration of the applicant’s current registration.

611
612 **Subp. 3. Approval or denial of application.**

- 613 A. Within 60 days after receiving a complete application for rehabilitation vendor registration, the
614 commissioner must approve or deny the application and notify the applicant whether the
615 application is approved or denied. The following constitute grounds for denial of the application:
616 1. The applicant failed to comply with the requirements of subpart 2;
617 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
618 Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued under those statutes or
619 rules; or
620 3. The applicant has outstanding fines or penalties with the department.

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- 621 B. If the commissioner approves the application, the commissioner shall assign a registration
- 622 number to the rehabilitation vendor.
- 623 C. If the applicant was registered as a rehabilitation vendor on the date that the commissioner
- 624 received the application, the rehabilitation vendor registration expires one year after the
- 625 applicant’s current registration was set to expire.
- 626 D. If the applicant was not registered as a rehabilitation vendor on the date that the commissioner
- 627 received the application, the rehabilitation vendor registration expires one year from the date the
- 628 application is approved.
- 629

Subp. 4. Appeal process for denials.

- 630
- 631 A. An applicant may appeal the commissioner’s order denying an application for rehabilitation
- 632 vendor registration.
- 633 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
- 634 commissioner within 30 days of service of the order denying the application.
- 635 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 636 Statutes, section 176.102, subdivision 3.
- 637 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 638 of the denial until final disposition of the appeal.
- 639
- 640

5220.1750 VOCATIONAL REHABILITATION UNIT.

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

642 fees in parts 5220.1410, 5220.1510, and 5220.1610.

643

644

5220.1801 PROFESSIONAL CONDUCT.

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

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

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

651 employee to return to suitable gainful employment. The qualified rehabilitation consultant shall

652 periodically assess progress toward plan objectives.

653

654

Subp. 8. Separate roles and functions.

- 655 A. The roles and functions of a claims agent and a rehabilitation provider are separate. A qualified
- 656 rehabilitation consultant, qualified rehabilitation consultant intern, ~~registered~~ rehabilitation
- 657 vendor, or an agent of a rehabilitation provider, shall engage only in those activities designated
- 658 in Minnesota Statutes, section 176.102, and rules adopted thereunder.
- 659 B. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, or ~~registered~~
- 660 rehabilitation vendor shall not act as an advocate for or advise any party about a claims or
- 661 entitlement issue. Except as permitted by item C, qualified rehabilitation consultants, qualified
- 662 rehabilitation consultant interns, and ~~registered~~ rehabilitation vendors shall at no time in any
- 663 capacity engage in any of the following activities regarding any claim for workers’ compensation
- 664 benefits pursuant to Minnesota Statutes, chapter 176:
- 665

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667

668 **5220.1802 COMMUNICATIONS.**

669 . . .

670 **Subp. 4. ~~Registered~~ rehabilitation vendor reporting.¹**

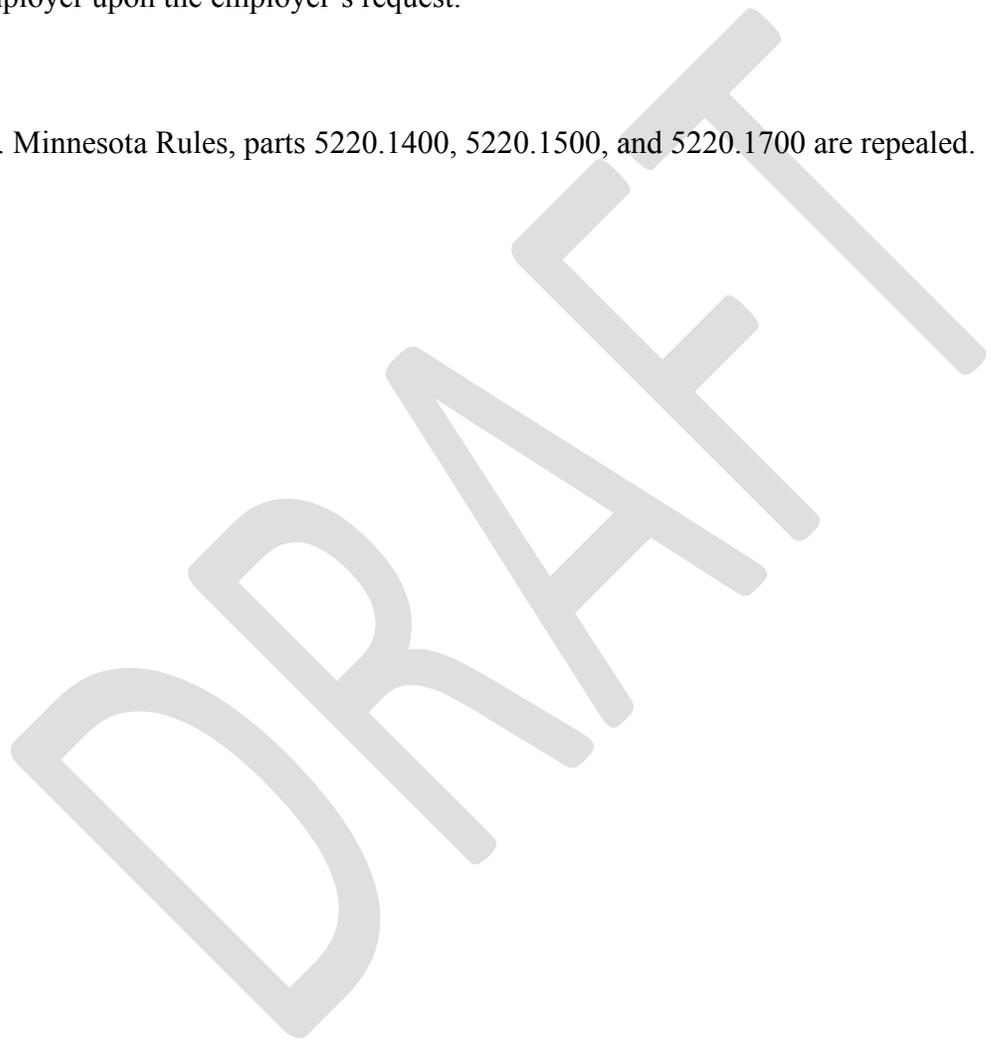
671 At least each 30 days, the ~~registered~~ rehabilitation vendor shall submit all required progress records,
672 required rehabilitation reports and cost information on an employee's case directly to the assigned
673 qualified rehabilitation consultant with copies to the employee, the insurer, and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

675 . . .

676

677

678 Repealer. Minnesota Rules, parts 5220.1400, 5220.1500, and 5220.1700 are repealed.



¹ The word “registered” before “rehabilitation vendor” will also be deleted from part 5220.1900, subpart 7, item B. The amended version of subpart 7 has not yet been adopted.