

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers; Changes to 7/7/22 RRP draft

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

1 **5220.0100 DEFINITIONS.**

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

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

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

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

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

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

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

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

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

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

48
49

50 **5220.0410 REHABILITATION PLAN.**

51

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

57

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

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

66

67 **5220.0450 PLAN PROGRESS REPORT.**

68

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

75

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

83

84 **5220.0510 PLAN AMENDMENT AND CLOSURE.**

85

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

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

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

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

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

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

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

105 registration renewal, as a qualified rehabilitation consultant.

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

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

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

110 adopted to administer it.

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

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

114 provided in part ~~5220.1600~~ 5220.1610.

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

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

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

119 approved rehabilitation plan.

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

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

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

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

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

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

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

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

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

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

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

133

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

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

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

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

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

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

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179 ~~application for qualified rehabilitation consultant intern registration is approved, and must also~~
180 ~~comply with subpart 3, items L and M.~~

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

- 182 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant
183 intern registration, the commissioner must approve or deny the application and notify the
184 applicant whether the application is approved or denied.
- 185 B. If the application is approved, the commissioner shall assign a registration number to the
186 qualified rehabilitation consultant intern.
- 187 C. The following constitute grounds for denial of the application:
- 188 1. The applicant failed to comply with the requirements in subpart 1;
- 189 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
190 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
191 standards of performance and professional conduct for professional activities and services of
192 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
193 or
- 194 3. The applicant has outstanding fines or penalties with the department.
- 195 D. An applicant may appeal the commissioner’s order denying an application for qualified
196 rehabilitation consultant intern registration.
- 197 E. To appeal the commissioner’s order, the applicant must file a written request for hearing with
198 the commissioner within 30 days of service of the order denying the application.
- 199 F. The request for hearing will be referred to the rehabilitation review panel according to
200 Minnesota Statutes, section 176.102, subdivision 3.
- 201 G. Qualified rehabilitation consultant intern registration expires ~~36~~ 24 consecutive months from the
202 date that it is approved. If a person’s qualified rehabilitation consultant intern registration
203 expires before the person completes all of the requirements in subpart 3 and files an application
204 for initial registration as a qualified rehabilitation consultant, the person must reapply for
205 qualified rehabilitation consultant intern registration and restart the internship from the
206 beginning. The person must not provide rehabilitation services to injured workers if the
207 registration expires before submission of a complete renewal application or before the
208 commissioner has approved or denied the application. The person must complete the
209 requirements in subpart 3, items A to ~~K-I~~, after the date the subsequent application for qualified
210 rehabilitation consultant intern registration is approved, and must also comply with subpart 3,
211 items ~~L and M~~ J.

212
213 **Subp. 3. Requirements during the internship.**

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

- 215 A. Comply with the provisions of Minnesota Statutes, chapter 176; Minnesota Rules, parts
216 5220.0100 to 5220.1900; and any orders issued under these statutes or rules;
- 217 B. Complete an introductory orientation training session sponsored by the department within 12
218 months of approval of qualified rehabilitation consultant intern registration;
- 219 C. Complete all of the department’s rehabilitation provider update sessions;
- 220 D. Notify the commissioner within two weeks of a change in home address, designated mailing
221 address (if different from the home address), or employment with their registered rehabilitation
222 firm;

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- 223 E. Notify the department when their supervisor changes, and ensure that the new supervisor
224 provides an updated plan of supervision as required under subpart 1, paragraph C;
- 225 F. Work as the assigned qualified rehabilitation consultant intern on 12 or more rehabilitation plans
226 under Minnesota Statutes, section 176.102;
- 227 G. ~~Work providing rehabilitation services for at least 1000 billable hours:~~
228 ~~1. At least 100 billable hours must be in the areas of job seeking skills training, job~~
229 ~~development, and job placement; and~~
230 ~~2. At least 900 billable hours must be the provision of other rehabilitation services including~~
231 ~~vocational counseling, medical management, transferable skills analysis, vocational testing,~~
232 ~~labor market analysis, and coordination of return to work with the same employer;~~
- 233 H. Ensure that all documents bearing the name of the intern designate the intern as a “qualified
234 rehabilitation consultant intern” and include the intern’s registration number;
- 235 I. Be the rehabilitation consultant of record for at least one of each of the following complete
236 reports:
- 237 1. Rehabilitation Consultation Report that explains the basis for the eligibility determination;
238 2. Rehabilitation Plan with an initial evaluation narrative report that includes medical status,
239 vocational history, educational history, social history, relevant economic factors, transferable
240 skills, employment barriers, and recommendations;
- 241 3. Plan Progress Report or Rehabilitation Plan Amendment with a narrative report that
242 identifies barriers to the employee’s successful completion of the rehabilitation plan and the
243 measures the intern planned to overcome each of the identified barriers; and
- 244 4. Notice of Rehabilitation Plan Closure with a narrative summary report that includes all
245 rehabilitation plan services provided;
- 246 J. Prepare at least one of each of the following complete reports, or, if necessary due to inability to
247 complete a required report under an assigned rehabilitation plan, contact the department to
248 confirm that the intern can complete the report outside of their assigned files:
- 249 1. A narrative report that shows the intern’s understanding of vocational testing;
250 2. A narrative report that shows the intern’s understanding of a transferable skills analysis; and
251 3. A labor market survey that shows the intern’s understanding of the injured employee’s
252 qualifications, work restrictions, and labor market conditions;
- 253 K. Obtain one of the following certifications by the completion of the internship, except as provided
254 in item L:
- 255 1. Certified Rehabilitation Counselor (CRC) from the Commission on Rehabilitation Counselor
256 Certification; or
- 257 2. Certified Disability Management Specialist (CDMS) from the Certification of Disability
258 Management Specialist;
- 259 L. ~~Instead of obtaining one of the certifications in item L, obtain or hold a master’s degree in~~
260 ~~vocational rehabilitation or rehabilitation counseling through a program accredited by the~~
261 ~~Council for Accreditation of Counseling and Related Educational Programs (CACREP).~~
262

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

263 A qualified rehabilitation consultant intern supervisor agrees to be responsible for all of the intern’s
264 rehabilitation work. During the internship, the supervisor must:
265

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- 266 A. Review the rehabilitation statutes and rules with the intern before the intern meets with an
- 267 injured employee for the first time and throughout the internship as needed to ensure the intern's
- 268 compliance with the statutes and rules;
- 269 B. Not bill for supervisory duties;
- 270 C. Monitor the intern's progress towards completing the internship;
- 271 D. Attend all administrative conferences and hearings with the intern and ensure that the intern
- 272 reviews the rehabilitation file and is prepared to respond to questions relevant to the subject of
- 273 the conference, including questions about the rehabilitation plan, payment for rehabilitation
- 274 services, and the reasonableness and necessity of rehabilitation services; and
- 275 E. Review all written work that substantively applies to the scope of a rehabilitation plan for any
- 276 file assigned to the QRC intern.
- 277 F. If the intern leaves employment with the firm and is not continuing to provide rehabilitation
- 278 services, coordinate the transfer of the intern's files so that injured employees continue to receive
- 279 rehabilitation services in accordance with part 5220.0710.
- 280 G. The supervisor must ~~currently be a registered QRC with at least three years of QRC work~~
- 281 ~~experience, excluding time as an intern have been registered as a qualified rehabilitation~~
- 282 ~~consultant for at least three years.~~
- 283

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:

- 291 A. A qualified rehabilitation consultant (QRC) must be employed by a qualified rehabilitation
- 292 consultant firm or their own QRC firm which must be registered as a QRC firm with the
- 293 department.
- 294 B. At the time the applicant files the initial application for qualified rehabilitation consultant
- 295 registration:
- 296 1. The applicant must be registered as a qualified rehabilitation consultant intern;
- 297 2. The applicant must have been registered as a qualified rehabilitation consultant intern for at
- 298 least ~~12~~ 6 months; and
- 299 3. Within ~~36~~ 24 months after the date the applicant most recently became registered as a
- 300 qualified rehabilitation consultant intern, the applicant must have completed the requirements
- 301 specified in part 5220.1410, subpart 3.
- 302 C. The applicant must file a complete initial application for qualified rehabilitation consultant
- 303 registration with the commissioner in the format prescribed that includes:
- 304 1. The applicant's name, phone number, home address, designated mailing address (if different
- 305 from the home address), and email address;
- 306 2. The applicant's social security number or individual taxpayer identification number and
- 307 Minnesota business identification number, as applicable, as required by Minnesota Statutes,
- 308 section 270C.72, subdivision 4;
- 309 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
- 310 4. The date the applicant completed the department's orientation session;

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- 311 5. Each date the applicant completed one of the department’s rehabilitation provider update
312 sessions;
- 313 6. A list of languages other than English that the applicant wants to be identified as being
314 proficient in for providing rehabilitation services;
- 315 7. Documentation from the applicant’s qualified rehabilitation consultant intern supervisor
316 certifying that the applicant complied with each of the requirements in 5220.1410, subpart 3,
317 items H through M;
- 318 8. Proof that the applicant has obtained one of the certifications listed in 5220.1410, subpart 3,
319 item M, ~~or a master’s degree as provided in 5220.1410, subpart 3, item N;~~
- 320 9. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
321 from the Minnesota border; and
- 322 10. The registration fee of \$140.
- 323 D. The applicant must attest that all information in the application is true.
- 324

Subp. 2. Approval or denial of initial application.

- 326 A. Within 60 days after receiving a complete initial application for qualified rehabilitation
327 consultant registration, the commissioner must approve or deny the application and notify the
328 applicant whether the application is approved or denied.
- 329 B. If the application is approved, the commissioner shall assign a registration number to the
330 qualified rehabilitation consultant.
- 331 C. The following constitute grounds for denial of the application:
 - 332 1. The applicant failed to comply with the requirements in subpart 1;
 - 333 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
334 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
335 standards of performance and professional conduct for professional activities and services of
336 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
337 or
 - 338 3. The applicant has outstanding fines or penalties with the department.
- 339 D. The qualified rehabilitation consultant registration expires one year from the date the application
340 is approved.
- 341

Subp. 3. Renewal of qualified rehabilitation consultant registration.

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

- 345 A. A qualified rehabilitation consultant must be employed by a qualified rehabilitation consultant
346 firm.
- 347 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
348 complete renewal application for qualified rehabilitation consultant registration that includes:
 - 349 1. The applicant’s name, phone number, home address, designated mailing address (if different
350 from the home address), and email address;
 - 351 2. The applicant’s social security number or individual taxpayer identification number and
352 Minnesota business identification number as applicable, as required by Minnesota Statutes,
353 section 270C.72, subdivision 4;
 - 354 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;

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- 355 4. The most recent date when the applicant completed one of the department’s rehabilitation
356 provider update sessions;
- 357 5. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
358 from the Minnesota border;
- 359 ~~6. One of the following, except as provided in paragraph C:~~
- 360 i. A copy of the applicant’s certification as a Certified Rehabilitation Counselor (CRC) or a
361 Certified Disability Management Specialist (CDMS); ~~or~~
- 362 ii. ~~If the applicant has a master’s degree as provided in 5220.1410, subpart 3, item M, copies~~
363 ~~of certificates showing that the applicant completed 20 continuing education credits~~
364 ~~approved by the Commission on Rehabilitation Counselor Certification or the~~
365 ~~Certification of Disability Management Specialist in the year preceding the filing of the~~
366 ~~renewal application; the certificates cannot have been submitted in the previous year’s~~
367 ~~renewal application; and~~
- 368 7. The registration fee of \$140.
- 369 C. A qualified rehabilitation consultant registered with the commissioner before July 1, 2005, and
370 continuously registered since that date, may either continue to meet the certification
371 requirements in effect at the time of initial registration or meet one of the requirements in
372 paragraph B, subitem 6.
- 373 D. ~~The applicant must have completed the department’s most recent rehabilitation provider update~~
374 ~~session. The applicant may complete satisfy this requirement by attending an in-person session~~
375 ~~or, if they could not attend the most recent session, attesting that they have viewed the recordings~~
376 ~~of the most recent session. The applicant must have submitted documentation showing that they~~
377 ~~completed the department’s most recent rehabilitation provider update session.~~
- 378 E. The applicant must not provide rehabilitation services to injured workers if the applicant’s
379 registration expires before submission of a complete renewal application or before the
380 commissioner has approved or denied the application pursuant to subpart 5.
- 381 F. The applicant must attest that all information in the application is true.

382
383 **Subp. 4. Gap in qualified rehabilitation consultant registration.**

384 To ensure there is not a gap in qualified rehabilitation consultant registration, the applicant must submit
385 the renewal application for qualified rehabilitation consultant registration at least 60 days before
386 expiration of the applicant’s current registration. If an applicant’s qualified rehabilitation consultant
387 registration expired more than 12 months before the applicant files a renewal application for qualified
388 rehabilitation consultant registration, the applicant must complete the department’s orientation session
389 within 12 months before or after the applicant files the renewal application.

390
391 **Subp. 5. Approval or denial of renewal application.**

- 392 A. Within 60 days after receiving a complete renewal application for qualified rehabilitation
393 consultant registration, the commissioner must approve or deny the application and notify the
394 applicant whether the application is approved or denied.
- 395 B. The following constitute grounds for denial of the application:
- 396 1. The applicant failed to comply with the requirements in subpart 3;
- 397 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
398 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding

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- 399 standards of performance and professional conduct for professional activities and services of
400 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
401 or
402 3. The applicant has outstanding fines or penalties with the department.
403 C. If the commissioner denies a renewal application under item B, subitem 2, and the denial is final
404 because the qualified rehabilitation consultant did not file a timely request for hearing or a
405 hearing was timely requested and all appeals have been exhausted, another renewal application
406 may be filed only if the requirements of subitem 1 or subitem 2 are met.
407 1. The former qualified rehabilitation consultant may file another renewal application if the
408 applicant has entered into a stipulated agreement with the commissioner regarding the
409 violations of statute, rule, or order that were cited as the basis for denial of the renewal
410 application and the stipulation allows the former qualified rehabilitation consultant to reapply
411 after a specified period of time; or
412 2. The former qualified rehabilitation consultant may file another renewal application if six
413 months have passed since the denial of the previous renewal application became final, and
414 the subsequent application is accompanied by a statement and documentation that shows
415 what the applicant has done and will do to ensure that the applicant complies with Minnesota
416 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, and any orders issued
417 under those statutes or rules.

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

- 423 D. ~~If the applicant was registered as a qualified rehabilitation consultant on the date that the~~
424 ~~commissioner received the application, the qualified rehabilitation consultant registration expires~~
425 ~~one year after the applicant's current registration was set to expire.~~ The registration expires one
426 year from the date the applicant's current registration was set to expire, unless the applicant was
427 not registered as a qualified rehabilitation consultant on the date that the commissioner received
428 the application, in which case the registration expires one year after the application is approved.
429 E. ~~If the applicant was not registered as a qualified rehabilitation consultant on the date that the~~
430 ~~commissioner received the application, the qualified rehabilitation consultant registration expires~~
431 ~~one year from the date the application is approved.~~

432
433 **Subp. 6. Appeal process for denials.**

- 434 A. An applicant may appeal the commissioner's order denying an initial application for qualified
435 rehabilitation consultant registration or a renewal application for qualified rehabilitation
436 consultant registration.
437 B. To appeal the commissioner's order, the applicant must file a written request for hearing with the
438 commissioner within 30 days of service of the order denying the application.
439 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
440 Statutes, section 176.102, subdivision 3.
441 D. The filing of a timely request for hearing on an order denying a renewal application will stay the
442 effect of the denial until final disposition of the appeal.
443

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444 **5220.1610 QUALIFIED REHABILITATION CONSULTANT FIRMS: REQUIREMENTS AND**
445 **PROCEDURES FOR REGISTRATION.**

446
447 **Subpart 1. Requirements for qualified rehabilitation consultant firms.** At all times while registered
448 with the commissioner, a qualified rehabilitation consultant firm must meet the requirement in items A
449 through I.

- 450 A. The firm must be owned by:
- 451 1. An individual who is a qualified rehabilitation consultant; or
 - 452 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 453 B. If the firm is owned by an entity other than an individual, the management staff must include at
454 least one full-time employee who is a qualified rehabilitation consultant. An employer or insurer must be
455 registered as a qualified rehabilitation consultant firm in order to provide rehabilitation services. A
456 qualified rehabilitation consultant or qualified rehabilitation consultant intern employed by an employer
457 or insurer must only provide rehabilitation services for the claims being handled by the entity by whom
458 the qualified rehabilitation consultant or qualified rehabilitation consultant intern is employed.
- 459 C. The firm must maintain workers' compensation insurance if required by Minnesota Statutes,
460 chapter 176.
- 461 D. The firm must maintain at least one office in Minnesota or within 100 miles by road from the
462 Minnesota border. If a firm does not maintain at least one office in Minnesota or within 100 miles by
463 road from the Minnesota border on the effective date of these rules, the firm must comply with this part
464 within 90 days of receiving written notice of the requirement from the department.
- 465 E. The firm must not provide rehabilitation services unless the qualified rehabilitation consultant or
466 qualified rehabilitation consultant intern assigned to the injured employee's case file is an employee of
467 the firm.
- 468 F. The firm must ensure that each employee who provides rehabilitation services to injured
469 employees attends all department rehabilitation provider update sessions.
- 470 G. If the firm hires a new, non-registered employee who will provide rehabilitation services to
471 injured employees, that employee must, within 12 months of employment, complete the department's
472 orientation session.
- 473 H. The firm must retain each of the firm's injured worker case files for at least five years after the
474 date of file closure.
- 475 I. If there is a change to the information previously provided to the department on the firm's
476 registration application, including any change in employees who provide rehabilitation services to
477 injured workers, the firm must report the change to the department.

478
479 **Subp. 2. Staffing Requirements.** At all times while registered with the commissioner, a qualified
480 rehabilitation consultant firm must meet the following staffing requirements:

- 481
482 A. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation
483 services to qualified employees shall be qualified rehabilitation consultants or qualified
484 rehabilitation consultant interns. Employees who are not qualified rehabilitation consultants or
485 qualified rehabilitation consultant interns, under the direct supervision of the assigned qualified
486 rehabilitation consultant or qualified rehabilitation consultant intern, may provide the services of

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487 job seeking skills training, job development, job placement, vocational testing, labor market
488 survey, post-placement follow-up, and transferrable skills analysis.

489 B. Any firm employing four or fewer full-time qualified rehabilitation consultants or qualified
490 rehabilitation consultant interns may employ up to two employees who are not qualified
491 rehabilitation consultants or qualified rehabilitation interns who may, under the direct
492 supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation
493 consultant intern, provide the services of job analysis, job seeking skills training, job
494 development, ~~and~~ job placement, **vocational testing, transferrable skills analysis, post-placement**
495 **follow-up, and labor market survey.** However, as restricted by part 5220.1250, employees who
496 are not qualified rehabilitation consultants or qualified rehabilitation consultant interns may
497 provide these prescribed services only in cases for which a qualified rehabilitation consultant or
498 qualified rehabilitation consultant intern employed by the same firm is the assigned qualified
499 rehabilitation consultant.

500
501 **Subp. 3. Qualified rehabilitation consultant firm registration.** For registration as a qualified
502 rehabilitation consultant firm, the applicant must meet the following requirements:

- 503 A. The applicant must file a complete application for qualified rehabilitation consultant firm
504 registration in the format prescribed by the commissioner that includes:
- 505 1. The applicant's name and Minnesota business identification number, as required by
506 Minnesota Statutes, section 270C.72, subdivision 4;
 - 507 2. Every business address where the applicant will provide rehabilitation services;
 - 508 3. If the firm is owned by an individual, that individual's phone number, email address, home
509 address, social security number, and any state and federal employer identification numbers;
 - 510 4. If the firm is not owned by an individual:
 - 511 i. The name and address of the firm's agent registered with the Secretary of State;
 - 512 ii. A different name and address for legal service on the firm, if the firm chooses to accept
513 legal service from the department at an address different from the registered address; and
 - 514 iii. The name, address, email, and telephone number of the full-time member of the
515 management staff who is a qualified rehabilitation consultant;
 - 516 5. The name and job title of each employee, an indication whether the employee will provide
517 rehabilitation services to injured employees, and their job title;
 - 518 6. For each employee who has provided or will provide rehabilitation services to injured
519 employees, the most recent date the employee completed the department's rehabilitation
520 provider update session;
 - 521 7. Proof of workers' compensation insurance or an explanation of why no workers'
522 compensation insurance is required;
 - 523 8. Affirmation that one of the offices where the applicant will provide rehabilitation services is
524 located in Minnesota or within 100 miles by road from the Minnesota border; and
 - 525 9. The registration fee of **\$280.**
- 526 B. If the application is for renewal of qualified rehabilitation consultant firm registration and the
527 applicant does not want a gap in registration, the applicant must submit the renewal application
528 at least 60 days before expiration of the applicant's current registration.

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- 529 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
- 530 registration expires before submission of a complete renewal application or before the
- 531 commissioner has approved or denied the application.
- 532 D. The applicant must attest that all information in the application is true and that the applicant
- 533 meets or will meet all the requirements of subpart 1.
- 534 E. **The qualified rehabilitation consultant firm registration must be renewed annually, in accordance**
- 535 **with Section 5220.1610, subpart 3, Item C.**

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

- 537 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant firm
- 538 registration, the commissioner must approve or deny the application and notify the applicant
- 539 whether the application is approved or denied. The following constitute grounds for denial of the
- 540 application:
- 541 1. The applicant failed to comply with the requirements of subpart 2;
- 542 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
- 543 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
- 544 standards of performance and professional conduct for professional activities and services of
- 545 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
- 546 or
- 547 3. The applicant has outstanding fines or penalties with the department.
- 548 B. If the commissioner approves the application, the commissioner shall assign a registration
- 549 number to the qualified rehabilitation consultant firm.
- 550 C. ~~If the applicant was registered as a qualified rehabilitation consultant firm on the date that the~~
- 551 ~~commissioner received the application, the qualified rehabilitation consultant firm registration~~
- 552 ~~expires one year after the applicant’s current registration was set to expire. The registration~~
- 553 ~~expires one year from the date the applicant’s current registration was set to expire, unless the~~
- 554 ~~applicant was not registered as a qualified rehabilitation consultant firm on the date that the~~
- 555 ~~commissioner received the application, in which case the registration expires one year after the~~
- 556 ~~application is approved.~~
- 557 ~~D.—~~
- 558 ~~E.—If the applicant was not registered as a qualified rehabilitation consultant firm on the date that the~~
- 559 ~~commissioner received the application, the qualified rehabilitation consultant firm registration~~
- 560 ~~expires one year from the date the application is approved.~~

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

- 563 A. An applicant may appeal the commissioner’s order denying an application for qualified
- 564 rehabilitation consultant firm registration.
- 565 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
- 566 commissioner within 30 days of service of the order denying the application.
- 567 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 568 Statutes, section 176.102, subdivision 3.
- 569 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 570 of the denial until final disposition of the appeal.
- 571

572 **Subp. 6. Retention and transfer of rehabilitation plans.**

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573 If the registration of a qualified rehabilitation consultant firm expires, then the qualified rehabilitation
574 consultant who owns the firm or is a member of the firm’s management staff must ensure that the firm’s
575 active rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified
576 rehabilitation consultant firm as required by part 5220.1802, subpart 4a.
577

578 **5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES FOR**
579 **REGISTRATION.**
580

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

- 583 A. The rehabilitation vendor must be owned by:
584 1. An individual; or
585 2. An entity registered with and in good standing with the Minnesota Secretary of State.
586 B. The rehabilitation vendor must maintain workers’ compensation insurance if required by
587 Minnesota Statutes, chapter 176.
588 C. The rehabilitation vendor must maintain at least one office where services to injured employees
589 are provided in Minnesota or within 100 miles by road from the Minnesota border. If a vendor
590 does not maintain at least one office in Minnesota or within 100 miles by road from the
591 Minnesota border on the effective date of these rules, the vendor must comply with this part
592 within 90 days of receiving written notice of the requirement from the department.
593 D. The rehabilitation vendor must cooperate in any request for information or investigation by the
594 department.
595 E. The rehabilitation vendor may only provide rehabilitation services to injured employees under an
596 approved rehabilitation plan.
597 F. The rehabilitation vendor must promptly communicate with the assigned qualified rehabilitation
598 consultant or qualified rehabilitation consultant intern regarding all rehabilitation services that
599 the rehabilitation vendor provides to injured employees.
600 G. Each employee of the rehabilitation vendor who provides rehabilitation services to injured
601 employees must attend all department rehabilitation provider update sessions.
602 H. If the rehabilitation vendor hires a new employee who will provide rehabilitation services to
603 injured employees, that employee must, within 12 months of employment, complete the
604 department’s orientation session.
605 I. ~~Within two weeks after closing a case file, the rehabilitation vendor must provide the case file to~~
606 ~~the qualified rehabilitation consultant firm that employed the qualified rehabilitation consultant~~
607 ~~or qualified rehabilitation consultant intern assigned to the file.~~ If the rehabilitation vendor is no
608 longer providing services to injured employees, the rehabilitation vendor must provide any active
609 or closed case file to the qualified rehabilitation consultant firm that last employed the qualified
610 rehabilitation consultant or qualified rehabilitation consultant intern assigned to the file.
611 J. Within two weeks of the change, the rehabilitation vendor must report to the department any
612 change in any of the information provided to the department on the rehabilitation vendor’s
613 registration application, including any change in employees who provide rehabilitation services
614 to injured employees.

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615 K. The rehabilitation vendor must not employ or otherwise engage the services of a qualified
616 rehabilitation consultant.

617

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

620 A. The applicant must file a complete application for rehabilitation vendor registration in the format
621 prescribed by the commissioner that includes:

- 622 1. The applicant's name and every business address where the applicant will provide
623 rehabilitation services to injured employees;
- 624 2. The applicant's taxpayer identification number and Minnesota business identification
625 number, as required by Minnesota Statutes, section 270C.72, subdivision 4;
- 626 3. If the rehabilitation vendor is owned by an individual, that individual's phone number, email
627 address, home address, social security number, and any state and federal employer
628 identification numbers;
- 629 4. If the rehabilitation vendor is not owned by an individual:
- 630 i. The name, address, phone number, and email address of the rehabilitation vendor's agent
631 registered with the Secretary of State;
- 632 ii. A different name and address for legal service on the rehabilitation vendor, if the
633 rehabilitation vendor chooses to accept legal service from the department at an address
634 different from the registered address;
- 635 5. The name and job title of each current employee of the rehabilitation vendor and an
636 indication of whether each employee will provide rehabilitation services to injured
637 employees;
- 638 6. For each employee who has provided or will provide rehabilitation services to injured
639 employees, and the most recent date the employee completed the department's rehabilitation
640 provider update session;
- 641 7. The name of each manager of the rehabilitation vendor;
- 642 8. Proof of workers' compensation insurance or an explanation of why no workers'
643 compensation insurance is required;
- 644 9. Affirmation that one of the offices where the applicant will provide rehabilitation services to
645 injured employees is located in Minnesota or within 100 miles by road from the Minnesota
646 border; and
- 647 10. The registration fee of **\$280**.

648 B. If the application is for renewal of rehabilitation vendor registration and the applicant wants there
649 to be no gap in registration, the applicant must submit the renewal application at least 60 days
650 before expiration of the applicant's current registration.

651 C. The applicant must not provide rehabilitation services to injured workers if the applicant's
652 registration expires before submission of a complete renewal application or before the
653 commissioner has approved or denied the application.

654 D. The applicant must attest that all information in the application is true and that the applicant
655 meets or will meet all the requirements of subpart 1.

656 E. **The rehabilitation vendor registration must be renewed annually, in accordance with Section**
657 **5220.1710, subpart 3, Item C.**

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

- 659 A. Within 60 days after receiving a complete application for rehabilitation vendor registration, the
660 commissioner must approve or deny the application and notify the applicant whether the
661 application is approved or denied. The following constitute grounds for denial of the application:
662 1. The applicant failed to comply with the requirements of subpart 2;
663 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
664 Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued under those statutes or
665 rules; or
666 3. The applicant has outstanding fines or penalties with the department.
667 B. If the commissioner approves the application, the commissioner shall assign a registration
668 number to the rehabilitation vendor.
669 ~~C. If the applicant was registered as a rehabilitation vendor on the date that the commissioner~~
670 ~~received the application, the rehabilitation vendor registration expires one year after the~~
671 ~~applicant's current registration was set to expire. The registration expires one year from the date~~
672 ~~the applicant's current registration was set to expire, unless the applicant was not registered as a~~
673 ~~rehabilitation vendor on the date that the commissioner received the application, in which case~~
674 ~~the registration expires one year after the application is approved~~
675 ~~D. If the applicant was not registered as a rehabilitation vendor on the date that the commissioner~~
676 ~~received the application, the rehabilitation vendor registration expires one year from the date the~~
677 ~~application is approved.~~

678
679 **Subp. 4. Appeal process for denials.**

- 680 A. An applicant may appeal the commissioner's order denying an application for rehabilitation
681 vendor registration.
682 B. To appeal the commissioner's order, the applicant must file a written request for hearing with the
683 commissioner within 30 days of service of the order denying the application.
684 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
685 Statutes, section 176.102, subdivision 3.
686 D. The filing of a timely request for hearing on an order denying an application will stay the effect
687 of the denial until final disposition of the appeal.
688

689 **5220.1750 VOCATIONAL REHABILITATION UNIT.**

690 The vocational rehabilitation unit of the Department and its employees are exempt from payment of the
691 fees in parts 5220.1410, 5220.1510, and 5220.1610.
692

693 **5220.1801 PROFESSIONAL CONDUCT.**

694
695 **Subpart 1. Prompt provision of service and assessment of progress.**

696 The assigned qualified rehabilitation consultant and any registered-rehabilitation vendor providing
697 rehabilitation services under a plan shall provide prompt and necessary rehabilitation services to assist a
698 qualified employee to return to suitable gainful employment. The qualified rehabilitation consultant
699 shall periodically assess progress toward plan objectives.
700

701 [See MR for subparts 2--7]

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Subp. 8. Separate roles and functions.

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

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

- (1) claims adjustment;
- (2) claims investigation;
- (3) determining liability or setting reserves for a claim;
- (4) authorizing or denying provision of future medical or rehabilitation services;
- (5) recommending, authorizing, or denying payment of medical or rehabilitation bills;
- (6) making recommendations about the determination of workers' compensation monetary benefits;
- (7) arranging for medical examinations not recommended by the treating doctor; or
- (8) arranging for or participating in surveillance or investigative services.

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

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

5220.1802 COMMUNICATIONS.

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

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

5220.1900 REHABILITATION SERVICE FEES AND COSTS.

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

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747 [See MR for subparts 1g—6b]

748
749 Subp. 7. **Case activities that require approval or are not billable.** The services and activities
750 described in items A and B either require approval or are not billable by the rehabilitation provider.

751
752 A. The following services and activities are not compensable unless the rehabilitation plan specifies
753 them, the insurer approves them, or the commissioner or a compensation judge determines that they
754 were reasonable and necessary under subpart 2:

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

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

759
760 B. Rehabilitation providers shall not bill for the following services, activities, or charges:

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

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

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

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

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

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

774
775 Repealer. Minnesota Rules, parts 5220.1400, 5220.1500, 5220.1600, and 5220.1700 are repealed.