



# Panel discussion – Placement services: What should happen and does it make sense?

# Minnesota Rules 5220.1250, Roles of registered rehabilitation providers

... 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.

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.

# Vendor role and status



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1. In your opinion, what is the role of a placement vendor?
2. Should a placement vendor be used as a vocational expert, to review job search records of an injured worker when there is a dispute?
3. Should placement staff members perform vocational testing to determine job goals?
  - Why or why not?
  - Would this be to do test administration and scoring and leave the interpretation and write-up of the vocational evaluation report to someone else?
4. In a nutshell, what service categories and activities should qualified rehabilitation consultants (QRCs) consider placement staff members responsible for doing (for example, on-site job analysis, job modification, JSST, job placement, job development, post placement, vocational testing, LMS) and why?

# Rehabilitation plan service coding and categories

Service code	Service category
00.....	Rehabilitation consultation
01.....	Medical management
02.....	On-site job analysis
03.....	Coordination of RTW/same employer
04.....	Job modification
05.....	Functional capacity evaluation
06.....	Transferable skills analysis
07.....	Work evaluation
08.....	Work hardening/adjustment
09.....	Job seeking skills training
10A .....	Job development
10B .....	Job placement
11.....	Post placement activity/follow-up
12.....	Technical/academic skills improvement
13.....	Vocational counseling/guidance
14.....	Vocational testing
15.....	On-the-job training
16.....	Labor market survey
17.....	Explore retraining/retraining
18.....	Administrative
19.....	Preparation/attend legal proceeding
20.....	Expense/other

# Vendor role and status

5. What six resources should placement staff members always have on hand or check frequently so they are providing the most updated career information?
6. How many files should placement staff members limit themselves to handling at a time to still provide quality services – 15, 20, 30, 40, 50 or more?
  - Why is that?
7. What education or specialized training should placement staff members have either through school, on-the-job training, work experiences or through workshops, etc.?
  - How long does it take to train someone to be a good job search person?
8. Along that same line, what temperaments or traits are best suited for this type of work?

# Referral and other questions



# Referral and other questions

1. Should the insurer be able to pick the vendor to do the placement on a file?
  - If yes, why and what value is there versus the QRC picking the vendor?
2. **A similar, but different question:** There are QRC firms that are contracted with insurance companies to give strong consideration regarding insurer requests. This includes specifying which vendor the QRC is to put on a file, regardless of the QRC's opinion.
  - **Note:** QRCs are required to disclose any written or verbal referral relationship they have with any party to the claim.
  - If the vendor knows they received the referral via the insurer should the employee and parties be informed of this? Why or why not?

# Referral and other questions

3. If the insurer or defense counsel wants the vendor to do something (such as directly reporting to them), is it OK to skip the QRC and talk to the insurer directly?
4. Job placement plan and agreement (JPPA) forms have been used to focus the injured worker's job search or as a measure of effort.
  - Insurers frequently request the QRC or vendor to use them with employees.
  - What are your thoughts about using them?
    - What is the benefit versus no benefit?
    - Is this realistic in today's job market and times?
    - What do you understand about DLI's position on their use?
    - Is there a better document or job search method to use?

# Referral and other questions

5. A rehabilitation plan has been filed that the insurer did not sign or dispute. The plan identified several services the vendor should provide on the employee's behalf. The past three vendor invoices have not been paid, nor has there been any communication from the insurer about why. The insurer's phone system does not appear to allow access to anyone else at the insurance company.
  - What should the vendor do to resolve the outstanding invoices?
6. A change of vendor or job placement person is requested by a party. Discuss what factors should be weighed before the request for a change is granted.
  - Should the vendor be contacted by one of the parties to discuss the request or question the vendor's activities to date before an administrative conference or hearing is held?

# Referral and other questions

7. The old phrase "**Place 'em or burn 'em**" means if the employee is not in a new job within 90 days, the vendor should set the employee up to have their monetary benefits cut off by the insurer. Typically, in this scenario, the insurer implies it will provide more placement referrals to the vendor if the vendor does this.

**Example:** The employee is given several places each week to put in job applications, even though there are "**no available jobs,**" but the vendor said to apply. The employee does not see the point, so does not put in the applications. The vendor reports the employee is not putting in applications with employers as directed. Shortly afterward, the insurer suspends the employee's monetary benefits.

- What are your thoughts about the insurer and vendor regarding this practice?
8. What is your opinion about a vendor's monthly, in-person placement meetings with the employee and QRC?
    - Alternately, should all placement meeting be done via Zoom or phone calls instead?

# Referral and other questions

9. Due to the pandemic, for those able to do so, virtual job clubs became popular to provide placement support, answer questions, provide employees job skills exercises and do informal counseling.
  - Are they beneficial? If so, how?
  - Should the insurer pay for them?
  - If yes, how many weeks of virtual job club are appropriate?
  
10. An employee periodically goes off the grid (can't be reached by phone, text or email) and, when confronted says, "I've been taking care of things" and won't discuss what those things are. This is now happening even more frequently.
  - How long should this be allowed to go on?
  - Should it be reported? If yes, to whom and how?

# Services and reporting



# Services and reporting

1. In your opinion, when should job search services be started on behalf of the injured worker?  
**For instance**, there are insurers that will not approve or pay for any related job search activity until the employee has reached maximum medical improvement (MMI).
  - Is there a reason for this practice that you are aware of?
  - Is it a good policy on the insurer's part?
  - Does it have any effect on the employee's overall job search?
  - What are your ideas about when the job search should be initiated?
2. What three to five main points should always be reported in a job placement report?
  - Explain why they are important.

# Services and reporting

3. Should job placement reports mention the points below? Why or why not?

- Non-follow-up on job leads?
- Alcohol or substance abuse?
- Falsification of job logs?
- Problems, such as a learning disability or mental health issues?
- Loss of a driver's license or a non-working automobile?

4. Are there “standard job goals” (for example, customer service) that should be used when starting a job search before a transferable skills analysis or vocational testing?

- If yes, what are those typical jobs?
- Is this a good use of rehabilitation benefits and the employee's monetary benefit time?
- If not, what should be happening instead?

# Relationship with QRCs



# Relationship with QRCs

1. If it were up to you, how many vendors should a QRC (even if they have in-house placement services) use to provide services to injured workers?
  - One, two, three or more?
  - Why?
2. QRCs are called into administrative conferences and hearings to discuss placement efforts, job goals and client participation in the rehabilitation plan.
  - Is there benefit to having the vendor attend these sessions?
  - If yes, what more can they provide beyond their monthly reports?
  - Should the insurer pay for the vendor's time to attend the conferences or hearings?
  - Why or why not?

# Relationship with QRCs

3. It has been reported that many newer QRCs do not have vocational rehabilitation experience or training. Due to this situation, when the job search is required, these QRCs practice "**dump and run**," which is when the QRC leaves it up to the vendor to decide job goals, job search radius and how the job search should be done, including followup.
  - What do you think about this practice?
  - Is the insurer getting value for the money being spent?
  - Should the QRC be removed from the file?
  - Has the QRC violated the 5220 rules?
    - If yes, should a complaint be filed against the QRC? And, if yes, by whom?
4. Communications are important. What suggestions do you have to get QRCs to respond when they aren't returning phone calls or responding to email messages?

# Relationship with QRCs

5. It has been reported that few QRCs forward copies of their rehabilitation plans, monthly reports or work ability information to vendors as required by the 5220 rules.
- Should a professional complaint be filed against the QRC?
  - Insurers have much of the same QRC documents. Should vendors go directly to the insurer to obtain copies of the documents to be more effective in their work?
  - Is there any value in complaining to the insurer about the QRCs not doing their job?
  - Or, do you think most vendors just say nothing because it may affect their getting future referrals from the QRC or their firm?

# Dealing with obstacles



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1. When it comes to COVID-19 vaccinations and boosters what do you do?
  - Advocate that employees get them? If yes, why?
  - Advocate that vaccinated employees list this information on their resume or cover letter?
  - Coach the nonvaccinated employees about what to say if the question is asked by an employer?
2. Is securing a job the employee will be most satisfied at, but at less pay, a better approach to job search? If yes, why?
3. How important is it to find the employees jobs that will allow them to stay home to take care of young children, take care of aging parents or be home during school closings?
4. How would you handle an employee with bad teeth and halitosis?

# Dealing with obstacles

5. What is your opinion about having employees participate in skills-enhancement classes before job search, such as keyboarding, basic computer, Word or Excel classes?
6. What assistive technologies should be paid for to enhance an injured worker's return to work. Are insurer approvals being issued? If not, where is the breakdown occurring? **For instance:**
  - use of computer or assistive reading devices;
  - use of the computer to work remotely;
  - setting-up workstations in the employee's home;
  - use of voice-activated software; or
  - use of modified keyboards, note-taking pens, mouse, etc.

# Dealing with obstacles

7. What is the best way to deal with an employee's religious observances and prospective employers?
8. Diversity, equity and inclusion are employment and retention realities. Should this be part of job-seeking skills training? If yes, how much time should it take to train the average employee?
9. Should salary negotiation skills be taught as part of job-seeking skills training?
  - If yes, on average it should take how much time?
  - If no, why?
10. Should responding to artificial intelligence applications be part of job-seeking skills training. If yes, on average it should take how much time?

# Questions

