

5220.0130 REHABILITATION CONSULTATION.

Subpart 1. **Purpose.** A rehabilitation consultation is used to determine whether an employee is a qualified employee for rehabilitation services. An employee must be a qualified employee as defined in part 5220.0100, subpart 22, before a rehabilitation plan is implemented.

Subp. 2. **Criteria.** If the employee, employer, or commissioner requests a rehabilitation consultation, the insurer shall arrange for a rehabilitation consultation by a qualified rehabilitation consultant to take place within 15 calendar days of the insurer's receipt of the request.

If the insurer requests a waiver of rehabilitation services which is denied by the commissioner under part 5220.0120, the insurer shall arrange for a rehabilitation consultation by a qualified rehabilitation consultant to take place within 15 calendar days of the notification that the waiver request has not been granted.

The rehabilitation consultation shall be held at a location not more than 50 miles from the employee's residence if the employee lives in Minnesota or within 50 miles of a Minnesota state border. If the employee lives beyond this distance, the qualified rehabilitation consultant may conduct the consultation by telephone.

Subp. 3. **Consultation.** The procedure and documentation for a rehabilitation consultation are contained in items A to E.

A. Preconsultation actions. A copy of the first report of injury, the disability status report, and the accompanying current treating physician's work ability report shall be sent by the insurer to the assigned qualified rehabilitation consultant prior to the rehabilitation consultation.

B. Actions. During the first in-person meeting with the employee for purposes of conducting a rehabilitation consultation, the assigned qualified rehabilitation consultant shall:

(1) meet with the employee and, including those items in part 5220.1803, subparts 1 and 1a, explain the employee's rights and responsibilities regarding rehabilitation, including the employee's right to choose a qualified rehabilitation consultant; and

(2) gather information which will permit a determination of the employee's eligibility for rehabilitation.

C. Contents of report. The rehabilitation consultation shall be documented by the assigned qualified rehabilitation consultant on a rehabilitation consultation report form prescribed by the commissioner containing substantially the following:

- (1) identifying information of the employee, employer, insurer, and qualified rehabilitation consultant;
- (2) the rehabilitation consultation date;
- (3) an indication of the likelihood that the employee will return to the date-of-injury employer or date-of-injury occupation; and
- (4) a determination of whether or not the employee is a qualified employee for rehabilitation services and a narrative report explaining the basis for the determination.

D. Time for filing. The assigned qualified rehabilitation consultant shall complete and file with the commissioner a rehabilitation consultation report within 14 calendar days of the first in-person meeting with the employee for the purpose of a rehabilitation consultation, or the first telephone conference if permitted by subpart 2. The assigned qualified rehabilitation consultant shall concurrently provide copies of these documents to the employer, the employee, any attorney for the employee, and the insurer.

E. Objection to the determination. The employee or the insurer may object to the qualified rehabilitation consultant's determination by filing a rehabilitation request for assistance with the commissioner.

Statutory Authority: *MS s 176.102; 176.83*

History: *16 SR 2520; 17 SR 3361; 29 SR 1480*

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