

**5220.0410 REHABILITATION PLAN.**

Subpart 1. **Purpose.** The purpose of the rehabilitation plan is to communicate to all interested parties the vocational goal, the rehabilitation services, and the projected amounts of time and money that will be needed to achieve the vocational goal.

Authoritative references for describing a vocational history and a vocational goal in the plan and for analyzing jobs are the Dictionary of Occupational Titles and the Guide to Job Analysis. These documents are incorporated by reference in part 5220.0105.

Subp. 2. **Requirements.** If a rehabilitation consultation results in a determination that an employee is a qualified employee for rehabilitation services, the assigned qualified rehabilitation consultant shall, in consultation with the parties, develop, record, and file a rehabilitation plan on the form prescribed by the commissioner containing substantially the following:

A. information identifying the employee, employer, insurer, and assigned qualified rehabilitation consultant;

B. the employee's occupation at time of injury; the Dictionary of Occupational Titles, which is incorporated by reference in part 5220.0105, code for that occupation; and the vocational goal of the rehabilitation plan;

C. itemization of the rehabilitation services to be provided including any vendor names, anticipated service completion dates, estimated service costs, and projected total plan cost and plan completion date;

D. the dated signatures of the employee, insurer, and assigned qualified rehabilitation consultant if the parties are in agreement with the plan;

E. employee comments, if any; and

F. instructions to the parties that if they disagree with the plan they have 15 days from their receipt of the proposed plan to resolve the disagreement or object to the proposed plan, and that an objection must be filed with the commissioner.

Subp. 3. **Process.** Upon preparation of the proposed plan, and within 30 days of the first in-person contact between the assigned qualified rehabilitation consultant and the employee, the assigned qualified rehabilitation consultant shall provide to all parties a copy of the proposed rehabilitation plan.

Subp. 4. **Party's response.** Upon receipt of the proposed rehabilitation plan, each party must, within 15 days, either:

A. sign the plan signifying agreement and return it to the assigned qualified rehabilitation consultant; or

B. promptly notify the assigned qualified rehabilitation consultant of any objection to the plan and work with the assigned qualified rehabilitation consultant to resolve the objection by agreement.

However, if the objection is not resolved, the objecting party must file a rehabilitation request for assistance with the commissioner within 15 days of receipt of the proposed plan. These disputes will be resolved according to part 5220.0950.

If no rehabilitation request for assistance objecting to the plan is filed within 15 days of the party's receipt, the plan approval process will occur as provided in subpart 6.

Subp. 5. **Filing the plan.** The assigned qualified rehabilitation consultant shall file the rehabilitation plan with the commissioner within 45 days of the first in-person contact between the qualified rehabilitation consultant and the employee or within 15 days of circulation to the parties, whichever is earlier.

Subp. 6. **Plan approval.** A rehabilitation plan that all parties have signed is deemed approved by the commissioner upon filing.

If a party fails to sign the plan or fails to file a rehabilitation request for assistance objecting to the proposed plan within the 15 days specified in subpart 4, item B, it shall be presumed that the party is in substantial agreement with the plan's vocational objective and the services that are proposed. In this event the assigned qualified rehabilitation consultant shall file the plan with the commissioner along with evidence of the date the plan was sent to each party and, upon receipt, the plan will be deemed approved. A party's failure to sign a plan shall not constitute a waiver of any right to subsequently dispute the plan or to dispute payment of rehabilitation fees relative to the plan.

In reviewing rehabilitation plans pursuant to Minnesota Statutes, section 176.102, subdivision 6, the commissioner shall notify all interested parties of the nature of any additional information necessary for the review, any recommended modifications to the plan, and any decision approving, modifying, or rejecting a plan.

If the commissioner refers issues relating to a plan to a compensation judge or an administrative conference pursuant to Minnesota Statutes, section 176.106, all parties shall be notified of that action and of all applicable related procedures.

Commencement of a plan without objection from the commissioner shall not constitute a waiver or an estoppel of the commissioner's or compensation judge's authority over the plan.

Subp. 7. **Communication with treating doctor.** Upon filing the rehabilitation plan with the commissioner, the assigned qualified rehabilitation consultant shall, within the limitations of part 5220.1802, subpart 5, send a copy of the employee's rehabilitation plan to the employee's treating doctor.

Subp. 8. **Adherence to plan.** The services provided by rehabilitation providers shall be according to the approved rehabilitation plan.

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

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

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

Subp. 10. **Disputes.** In the case of a dispute about a rehabilitation plan or any rehabilitation services provided, any party may file a rehabilitation request for assistance according to Minnesota Statutes, chapter 176, or part 5220.0950.

Subp. 11. **Travel expenses.** The insurer shall reimburse the employee for automobile mileage pursuant to Minnesota Statutes, section 176.102, subdivision 9, at the rate paid by the employer for ordinary business travel expenses, or the rate paid by the state of Minnesota under the commissioner's plan for employment-related travel, whichever is lower.

**Statutory Authority:** *MS s 176.102; 176.83*

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

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