

5220.1400 QUALIFYING CRITERIA FOR REHABILITATION CONSULTANT.

Subpart 1. **Requirement.** To be registered as a qualified rehabilitation consultant, the requirements of subparts 2 to 5 must be met.

Subp. 2. **Certification.** A qualified rehabilitation consultant shall possess at least one of the following credentials:

A. certification by the Commission on Rehabilitation Counselor Certification as a certified rehabilitation counselor; or

B. certification by the Certification of Disability Management Specialists Commission as a certified disability management specialist.

A qualified rehabilitation consultant or qualified rehabilitation consultant intern registered with the department before July 1, 2005, may either continue to meet the certification requirements in effect at the time of initial registration or meet the certification requirements in items A and B.

Subp. 3. **Qualified rehabilitation consultant intern.** The purpose of internship is to provide a supportive, structured period of professional supervision and case review following registration. An individual who meets the requirements of subpart 2 may be registered as a qualified rehabilitation consultant intern. An individual who is not certified under subpart 2 at the time of application may be registered as a qualified rehabilitation consultant intern by documenting how the certification will be obtained within three years from the date of registration. A qualified rehabilitation consultant intern must complete an introductory training session sponsored by the department within 12 months of approval of registration. A qualified rehabilitation consultant intern shall not be a solo practitioner.

The failure to comply with the standards of performance and professional conduct contained in parts 5220.1800 and 5220.1801 or the violation of any of the provisions of Minnesota Statutes, chapter 176, parts 5220.0100 to 5220.1900, or orders issued under the statutes or rules constitute grounds for denial of registration as a qualified rehabilitation consultant or qualified rehabilitation consultant intern under Minnesota Statutes, section 176.102, subdivision 3, discipline under Minnesota Statutes, section 176.102, subdivision 3a, or delay of completion of internship. The intern may appeal the decision of the commissioner denying registration as provided in part 5220.1500, subpart 2.

In cases where an intern has been supervised by a qualified rehabilitation consultant who leaves the organization with which the intern has been employed and no other qualified rehabilitation consultant is available to supervise the intern, the intern may, with the prior written approval of the commissioner, sign all required documents in the capacity of a qualified rehabilitation consultant for a period of time deemed appropriate by the commissioner. Past performance and overall experience shall be taken into consideration for this approval.

Subp. 3a. **Commissioner's approval for supervised internship.** When an individual applies for registration as a qualified rehabilitation consultant intern, the applicant's employer shall provide the commissioner with the name of the qualified rehabilitation consultant under whose direct supervision the intern will work, and shall submit a plan of supervision addressing the following items: the evaluation methods used; frequency of supervisory reviews and communication; procedures for dealing with administrative conferences or hearings and file reviews; procedures for review of the rules of practice; and procedures for review of progress toward obtaining certification, including the date the intern will be eligible to take the certification examination. "Direct supervision" means that the supervisor is directly responsible for the rehabilitation work on any case, and for monitoring progress toward the certification required by subpart 2. To provide direct supervision, an intern supervisor must have at least 52 weeks of full-time experience as a qualified rehabilitation consultant not including any service provided while still a qualified rehabilitation consultant intern. The intern supervisor need not maintain an office at the same location as the intern. The supervisor shall cosign all written work being done by the intern. There shall be no billing by the supervisor for these supervisory duties. The supervisor shall attend all administrative conferences with the intern and shall arrange for training as required by the commissioner. The intern shall be designated as an "intern" on all documents bearing the name of the intern.

Subp. 4. **Completion of internship.** The intern must work at least one year full time as an intern in the rehabilitation of injured workers under Minnesota Statutes, section 176.102. Evidence of experience shall include documentation of a history of employment in a position of vocational rehabilitation. For purposes of this subpart, "full-time employment" is consistent with the employment experience requirement of the certifying body chosen by the qualified rehabilitation consultant intern. Where there is no definition of full-time employment by the certifying body chosen by the qualified rehabilitation consultant intern, full-time employment means a minimum of 37 hours per week during a 52-week period. Any part-time employment will be prorated based on this definition. The burden of proof of experience shall be on the applicant.

The intern may make application for completion of internship when the minimum requirements in subparts 2 to 5 have been met.

A qualified rehabilitation consultant intern must obtain certification by one of the entities specified in subpart 2 within three years of approval of registration as an intern by the commissioner. Failure to obtain certification within three years will result in a decision and order denying registration renewal.

The commissioner's action on the intern's application for completion of internship shall be based in part on the report of the qualified rehabilitation consultant intern supervisor about the competence of the intern to practice independently. The supervisor shall attach

examples of the following forms and reports completed by the intern as documentation of the intern's understanding of rehabilitation procedures and ability to communicate in writing: rehabilitation consultation report, rehabilitation plan, plan progress report, notice of rehabilitation plan closure, initial evaluation narrative report, labor market analysis, and closure report. At least one of the narrative reports must show understanding of vocational testing and transferable skills analysis.

The commissioner shall also consider information about the intern's professional competence including that obtained in the course of any investigation about professional conduct, and on any substantiated complaints regarding professional conduct. "Substantiated complaints" for purposes of denial of completion of internship means there has been a stipulation or order of discipline.

Subp. 5. **General criteria.** All persons who are qualified rehabilitation consultants shall be self-employed or employed by a single organization that is approved for the employment of qualified rehabilitation consultants as a qualified rehabilitation consultant firm or an employer or insurer. Qualified rehabilitation consultants must be available to clients, and for administrative conferences or hearings during normal business hours. A qualified rehabilitation consultant employed by an employer or insurer that is not registered as a qualified rehabilitation consultant firm is permitted to provide rehabilitation consultation and services only for the claims being handled by the entity by whom the consultant is employed. A qualified rehabilitation consultant shall notify the department immediately upon changing employment. Notification shall include the name of the former place of employment, the name, address, and telephone number of the new place of employment and the effective date of new employment.

Registration shall require Minnesota residency. The commissioner may grant an exception for persons who reside no more than 100 miles by road from the Minnesota border. Any such qualified rehabilitation consultant agrees, as an additional condition of registration, to appear at any administrative conference or hearing when requested, in the same manner as if subpoenaed. A qualified rehabilitation consultant shall notify the department immediately upon any change in residency to or from Minnesota.

Statutory Authority: *MS s 176.102; 176.83*

History: *8 SR 1777; 9 SR 1478; 10 SR 17; 11 SR 2237; 16 SR 2520; 17 SR 3361; 29 SR 1480*

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