

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

Subpart 1. **Requirements for qualified rehabilitation consultant firms.** At all times while registered with the commissioner, a qualified rehabilitation consultant firm must meet the requirements in items A to I.

A. The firm must be owned by:

- (1) an individual who is a qualified rehabilitation consultant; or
- (2) an entity registered with and in good standing with the secretary of state.

B. If the firm is owned by an entity other than an individual, the management staff must include at least one full-time employee who is a qualified rehabilitation consultant. An employer or insurer must be registered as a qualified rehabilitation consultant firm in order to provide rehabilitation services. A qualified rehabilitation consultant or qualified rehabilitation consultant intern employed by an employer or insurer must only provide rehabilitation services for the claims being handled by the entity by which the qualified rehabilitation consultant or qualified rehabilitation consultant intern is employed.

C. The firm must maintain workers' compensation insurance if required by Minnesota Statutes, chapter 176.

D. The firm must maintain at least one office in Minnesota or within 100 miles by road from the Minnesota border. If a firm does not maintain at least one office in Minnesota or within 100 miles by road from the Minnesota border on the effective date of this part, the firm must comply with this part within 90 days of receiving written notice of the requirement from the department.

E. The firm must not provide rehabilitation services unless the qualified rehabilitation consultant or qualified rehabilitation consultant intern assigned to the injured employee's case file is an employee of the firm.

F. The firm must ensure that each employee who provides rehabilitation services to injured employees attends all department rehabilitation provider update sessions.

G. If the firm hires a new, nonregistered employee who will provide rehabilitation services to injured employees, that employee must, within 12 months of employment, complete the department's orientation session.

H. The firm must retain each of the firm's injured worker case files for at least five years after the date of file closure.

I. If there is a change to the information previously provided to the department on the firm's registration application, including any change in employees who provide rehabilitation services to injured workers, the firm must report the change to the department.

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

A. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation services to qualified employees shall be qualified rehabilitation consultants or qualified rehabilitation consultant interns. Employees who are not qualified rehabilitation consultants or qualified rehabilitation consultant interns, under the direct supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation consultant intern, may provide the services of job seeking skills training, job development, job placement, vocational testing, labor market survey, postplacement follow-up, and transferrable skills analysis.

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

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

A. The applicant must file a complete application for qualified rehabilitation consultant firm registration in the format prescribed by the commissioner that includes:

- (1) the applicant's name and Minnesota business identification number, as required by Minnesota Statutes, section 270C.72, subdivision 4;
- (2) every business address where the applicant will provide rehabilitation services;
- (3) if the firm is owned by an individual, that individual's phone number, email address, home address, Social Security number, and any state and federal employer identification numbers;
- (4) if the firm is not owned by an individual:
 - (a) the name and address of the firm's agent registered with the secretary of state;
 - (b) a different name and address for legal service on the firm, if the firm chooses to accept legal service from the department at an address different from the registered address; and
 - (c) the name, address, email, and telephone number of the full-time member of the management staff who is a qualified rehabilitation consultant;
- (5) the name and job title of each employee, indicating whether the employee will provide rehabilitation services to injured employees, and their job title;
- (6) for each employee who has provided or will provide rehabilitation services to injured employees, the most recent date the employee completed the department's rehabilitation provider update session;

(7) proof of workers' compensation insurance or an explanation of why no workers' compensation insurance is required;

(8) affirmation that one of the offices where the applicant will provide rehabilitation services is located in Minnesota or within 100 miles by road from the Minnesota border; and

(9) the registration fee of \$280.

B. If the application is for renewal of qualified rehabilitation consultant firm registration and the applicant does not want a gap in registration, the applicant must submit the renewal application at least 60 days before expiration of the applicant's current registration.

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

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

E. The qualified rehabilitation consultant firm registration must be renewed annually, according to subpart 4, item C.

Subp. 4. Approval or denial of application.

A. Within 60 days after receiving a complete application for qualified rehabilitation consultant firm registration, the commissioner must approve or deny the application and notify the applicant whether the application is approved or denied. The following constitute grounds for denial of the application:

(1) the applicant failed to comply with the requirements of subpart 2;

(2) the applicant failed to comply with Minnesota Statutes, chapter 176, and parts 5220.0100 to 5220.1900, including the requirement regarding standards of performance and professional conduct for professional activities and services of rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules; or

(3) the applicant has outstanding fines or penalties with the department.

B. If the commissioner approves the application, the commissioner shall assign a registration number to the qualified rehabilitation consultant firm.

C. The registration expires one year from the date the applicant's current registration was set to expire, unless the applicant was not registered as a qualified rehabilitation consultant firm on the date that the commissioner received the application, in which case the registration expires one year after the application is approved.

Subp. 5. Appeal process for denials.

A. An applicant may appeal the commissioner's order denying an application for qualified rehabilitation consultant firm registration.

B. To appeal the commissioner's order, the applicant must file a written request for hearing with the commissioner within 30 days of service of the order denying the application.

C. The request for hearing must be referred to the rehabilitation review panel according to Minnesota Statutes, section 176.102, subdivision 3.

D. The filing of a timely request for hearing on an order denying an application must stay the effect of the denial until final disposition of the appeal.

Subp. 6. **Retention and transfer of rehabilitation plans.** If the registration of a qualified rehabilitation consultant firm expires, the qualified rehabilitation consultant who owns the firm or is a member of the firm's management staff must ensure that the firm's active rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified rehabilitation consultant firm as required by part 5220.1802, subpart 4a.

Statutory Authority: *MS s 176.102; 176.83*

History: *49 SR 1383*

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