

1 Department of Labor and Industry
 2 Workers' Compensation Rehabilitation Services
 3
 4 Adopted Rules Governing Qualified Rehabilitation Consultants and
 5 Rehabilitation Vendors
 6
 7 Rules as Adopted

8 RS 1. Definitions. For the purposes of RS 1.-19., the
 9 following terms have the meanings given them.

10 A.-K. [Unchanged.]

11 L. "Rehabilitation services" means the division of
 12 rehabilitation services of the Department of Labor and Industry.

13 L. [Reletter as M.]

14 N. "Rehabilitation provider" means the following four
 15 categories of rehabilitation professionals: qualified
 16 rehabilitation consultants; qualified rehabilitation consultant
 17 interns; qualified rehabilitation consultant firms; and
 18 registered rehabilitation vendors.

19 RS 14. Qualifying eligibility criteria for rehabilitation
 20 consultant.

21 The eligibility criteria and procedures in A.-D. shall be
 22 used by the commissioner in determining who is qualified for
 23 registration as a qualified rehabilitation consultant.

24 A. Educational background. A qualified rehabilitation
 25 consultant/affiliated/independent shall possess the following
 26 credentials as applicable:

27 1. Holder of a masters or doctorate degree in vocational
 28 rehabilitation or related fields of counseling and guidance,
 29 psychology, social work, or physical rehabilitation
 30 (occupational therapy, physical therapy, nursing) from an
 31 accredited institution, plus a current license as appropriate,
 32 plus one year of experience in vocational rehabilitation or
 33 physical rehabilitation. At least one year shall have been
 34 spent as a qualified rehabilitation consultant intern in
 35 rehabilitation of injured workers.

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1 2. Holder of a baccalaureate degree in vocational
2 rehabilitation or related fields of counseling and guidance,
3 psychology, social work, or physical rehabilitation
4 (occupational therapy, physical therapy, nursing), from an
5 accredited institution, plus a current license as appropriate,
6 plus two years of experience in vocational rehabilitation or
7 physical rehabilitation. At least one year shall have been
8 spent as a qualified rehabilitation consultant intern in
9 rehabilitation of injured workers.

10 B. Rehabilitation consultant intern. An individual who
11 meets the minimum educational requirements but does not meet the
12 minimum experience requirements may be registered as a
13 consultant intern. When the intern is registered, the intern's
14 employer shall provide the commissioner with the name of the
15 qualified rehabilitation consultant under whose direct
16 supervision the intern will work. The supervisor shall be
17 considered to be directly responsible for the rehabilitation
18 work on any case. The supervisor shall co-sign all work being
19 done by the intern. So that all parties are aware of the
20 intern's status, he shall be designated as an "intern." The
21 intern may make application for "qualified" status when the
22 minimum requirements in RS 14 A.1. or 2. have been met.

23 Substantiated complaints about professional behavior or
24 services, or failure to comply with laws, rules, ~~polities~~ and
25 ~~proeedures~~, or decisions and orders are grounds for denial of
26 registration as a qualified rehabilitation consultant. The
27 intern may appeal the denial as provided in rule RS 15 B.

28 In cases where an intern has been supervised by a qualified
29 rehabilitation consultant/affiliated who leaves the organization
30 with which he has been affiliated and no other qualified
31 rehabilitation consultant is available to supervise the intern,
32 the intern may, with the approval of the commissioner,
33 temporarily sign all required documents in the capacity of a
34 qualified rehabilitation consultant. Past performance and
35 overall experience will be taken into consideration for this
36 approval.

1 C. Experience criteria. The burden of proof of experience
2 shall be on the applicant. This shall include documentation of
3 a history of employment in a position of physical rehabilitation
4 or vocational rehabilitation. The experience requirements of A.
5 for qualified rehabilitation consultants can be met only by
6 full-time paid employment. School internship and volunteer
7 activities are not acceptable as employment experience.

8 Supporting documents shall consist of signed statements by
9 present and previous employers and insurers specifying the
10 services, caseload, and amount of time spent in rehabilitation
11 of work-related injuries and diseases.

12 D. General criteria. All persons who are qualified
13 rehabilitation consultants shall be exclusively self-employed or
14 exclusively employed by a single organization that is approved
15 for the employment of qualified rehabilitation consultants or an
16 employer/insurer.

17 All persons who are qualified rehabilitation consultants
18 shall be residents of Minnesota. An organization authorized for
19 the employment of qualified rehabilitation consultants may
20 request an exception for a consultant who lives contiguous to a
21 Minnesota catchment area if the organization and any such
22 consultant agrees, as a condition to approval, to appear at any
23 hearing when requested, in the same manner as if they had been
24 subpoenaed. Failure to do so shall result in automatic
25 revocation of the individual consultant's approval.

26 A qualified rehabilitation consultant operating on the
27 effective date of this amendment ~~with approval and registration~~ _
28 who is registered is deemed to meet the standards of this rule.
29 Qualified rehabilitation consultant interns operating on the
30 effective date of this amendment ~~with approval and registration~~ _
31 who are registered must meet the minimum requirements of this
32 rule in order to make application for qualified rehabilitation
33 consultant registration.

34 RS 15. Procedure for qualifying as rehabilitation consultant.

35 A. Application. An individual desiring to receive approval
36 and registration as a qualified rehabilitation consultant shall

1 submit to the commissioner, a complete application consisting of
2 the following:

- 3 1. completed and signed application form (which is
4 notarized);
- 5 2. copy of current license or certification;
- 6 3. supporting experience documentation;
- 7 4. transcripts of all schools attended beyond high school;
- 8 5. list of pertinent continuing education by title,
9 location, and date;
- 10 6. list of services and fees. This filing shall not
11 constitute an approval or disapproval of the services or fees;
12 and
- 13 7. the annual registration fee, which shall consist of
14 \$100 for qualified rehabilitation consultant firms and \$50 for
15 each qualified rehabilitation consultant or qualified
16 rehabilitation consultant intern.

17 The commissioner shall issue a notice of acceptance or
18 rejection to the applicant within 60 days of receipt of the
19 completed application and. Acceptance will be provisional until
20 the completion of an introductory training session.

21 B. Appeal process. The appeal process provides a mechanism
22 for applicants to request reconsideration of a rejected
23 application for registration, renewal, and reinstatement.

24 A written notice of appeal shall be filed with the
25 commissioner within 15 days of mailing of notice of disapproval.

26 The decision shall be reviewed by the review panel. The
27 applicant shall be advised of the date, time, and place of the
28 review at least ten days prior to the hearing date, and is
29 encouraged to be present.

30 C. Registration. The commissioner shall assign a
31 registration number to each qualified rehabilitation
32 consultant. The registration number shall be on all reports
33 submitted by the consultant.

34 To retain registration, the consultant must submit
35 satisfactory evidence of approved continuing education pertinent
36 to the workers' compensation rehabilitation field equivalent to

1 15 contact hours each year at the time registration is renewed.

2 D. Renewal. Registration shall be renewed annually. If an
3 interval of one year occurs without providing direct case
4 service or without providing supervision to qualified
5 rehabilitation consultants or qualified rehabilitation
6 consultant interns who provide direct case service to workers'
7 compensation recipients, the registration and approval is
8 ~~automatically revoked and reinstatement will be required in~~
9 ~~accordance with the minimum requirements in effect on the date~~
10 ~~of application for reinstatement~~ suspended. A qualified
11 rehabilitation consultant or intern may apply for reinstatement
12 by providing verification to rehabilitation services of his
13 attendance at the annual update sessions and fulfillment of
14 continuing education requirements as provided by RS 1.-19. The
15 applicant must complete an introductory training session before
16 approval is final. The suspension may be appealed to the
17 rehabilitation review panel in accordance with RS 15. E.2.

18 Services and fee schedules shall be submitted to the
19 commissioner whenever there is a change or no less than once
20 each calendar year. This filing shall not constitute an
21 approval or disapproval of the services or fees.

22 No later than 60 days prior to expiration of registration,
23 the consultant shall request registration renewal on a form
24 prescribed by the commissioner.

25 E. Revocation. The commissioner may review the activities
26 of registered qualified rehabilitation consultants and vendors
27 to determine if they are in compliance with all rehabilitation
28 services' rules.

29 1. When the commissioner becomes aware of an apparent
30 alleged violation concerning a qualified rehabilitation
31 consultant or vendor he shall write notify in writing the
32 qualified rehabilitation consultant or vendor. The qualified
33 rehabilitation consultant or vendor may then respond by letter
34 or by requesting an administrative conference. If the qualified
35 rehabilitation consultant or vendor does not request an
36 administrative conference, the commissioner may shall order that

1 a conference occur unless the complaint is found to be frivolous
2 or without merit. After the administrative conference, the
3 commissioner shall determine if he should discipline the
4 individual or firm based upon applicable rules and statutes and
5 all evidence gathered by the conference. Regardless of the
6 commissioner's decision, he shall issue an order setting forth
7 the reasons for his actions. If discipline is decided on by the
8 commissioner, it ~~may~~ shall consist of one or more of the
9 following:

10 a. a written reprimand requesting the individual or
11 firm to cease actions which resulted in the lack of compliance
12 with rehabilitation services' rules;

13 b. a full restitution of improperly charged fees and
14 services by the individual or firm to the insurance carrier;

15 c. an extension of intern status for up to six months
16 beyond RS 14 requirements for application;

17 d. a restriction or prohibition on accepting new cases
18 for up to six months.

19 If the commissioner imposes discipline twice in five years
20 upon an individual or firm, the next apparent alleged violation
21 shall be referred to the rehabilitation review panel for review -
22 ~~and any appropriate further~~. An individual's discipline shall
23 not be attributed to his employing firm unless the violation for
24 which discipline is imposed also constitutes a violation by the
25 firm and results in discipline to the firm.

26 2. An individual or firm may appeal the commissioner's
27 disciplinary action to the rehabilitation review panel by
28 requesting a hearing in writing to the director of
29 rehabilitation services within 30 calendar days of the
30 commissioner's determination.

31 3. Upon the commissioner's referral of a third apparent
32 alleged violation, the firm or individual shall be given written
33 notice of the referral and grounds for the review.

34 4. The rehabilitation review panel shall follow the
35 hearing procedures set forth in Minnesota Statutes, section
36 176.102, subdivision 3a. The panel ~~may~~ shall take one or more

1 of the following actions in reviewing rehabilitation providers
2 alleged violations such as:

3 a. Absolving the individual or firm of any alleged
4 rehabilitation rule apparent violation and dismissal-of-the
5 complaint;

6 b. Written reprimand;

7 c. Demotion of a qualified rehabilitation consultant
8 to qualified rehabilitation consultant intern status;

9 d. Probation of a qualified rehabilitation consultant,
10 qualified rehabilitation consultant intern, or vendor during
11 which-time-another-disciplinary-action-review-by-the-panel-would
12 result-in-revocation;

13 e. Revocation of qualified rehabilitation consultant,
14 qualified rehabilitation consultant intern, or registered vendor
15 status.

16 5. Procedures to appeal the determination of the review
17 panel shall be as follows:

18 a. The panel's written decision and order shall act as
19 a final order for purposes of implementing discipline. The
20 decision is appealable to the Workers' Compensation Court of
21 Appeals and must be filed in accordance with its rules; and

22 b. Unless otherwise ordered by the panel, an
23 individual or firm whose registration has been revoked must wait
24 at least one year from the effective date of revocation to
25 reapply for a registered status.

26 RS 17. Procedure for approval as registered rehabilitation
27 vendor.

28 A. Application. A private or public entity desiring to be
29 approved as a registered rehabilitation vendor shall submit to
30 the commissioner a complete application consisting of the
31 following:

32 1. a completed and signed application;

33 2. any data or information attached to support an
34 application;

35 3. a list of services and fees. This filing shall not
36 constitute an approval or disapproval of the services or fees;

1 and

2 4. the annual registration fee of \$100 for each
3 registered vendor.

4 B. Appeal process. The appeal process herein shall be
5 conducted the same as that provided in RS 15 B.

6 C. Renewal. The renewal process herein shall be conducted
7 the same as that provided in RS 15 D.

8 D. Revocation. The revocation process herein shall be
9 conducted the same as that provided in RS 15 E.

10 RS 18. Standards of performance.

11 A. Goals.--A-qualified-rehabilitation-consultant, qualified
12 rehabilitation-consultant-intern, and vendor should strive to
13 meet certain policies recognized by rehabilitation services as
14 fundamental to the rehabilitation profession.--The statements in
15 1.-8.--are objectives that rehabilitation services promotes to
16 constantly upgrade the quality of professional rehabilitation
17 care.

18 1.--The welfare of the injured employee should be the
19 primary focus of concern, communications, and activity by the
20 qualified rehabilitation consultant or vendor.

21 2.--The qualified rehabilitation consultant or vendor
22 should maintain a fair and objective position in dealing with
23 the employee, employer, and insurer.

24 3.--The qualified rehabilitation consultant or vendor
25 should maintain objective and effective lines of communication
26 with all members of the rehabilitation team:--the employee,
27 employer, insurer, attorney, physician, qualified rehabilitation
28 consultant, and vendor.

29 4.--A-qualified-rehabilitation-consultant or vendor should
30 withdraw from any case in which achieving rehabilitation goals
31 is being interfered with by the lack of rapport between the
32 qualified rehabilitation consultant or vendor and the employee
33 or in which there are personality conflicts between the employee
34 and the qualified rehabilitation consultant or vendor.

35 5.--A-qualified-rehabilitation-consultant or vendor should
36 keep abreast of professional advances and topics by

1 participation-in-continuing-education-programs.

2 6.--Rehabilitation-providers-should-carry-professional
3 liability-insurance-for-the-protection-of-themselves-and
4 affected-third-parties.

5 7.--A-qualified-rehabilitation-consultant-or-vendor-should
6 not-engage-in-any-form-of-discrimination.

7 8.--Any-discussion, comments, or criticisms directed
8 toward-or-about-a-fellow-professional-rehabilitation-provider-or
9 organization-should-be-positive-or-constructive.

10 B. Minimal standards. The standards of conduct described in
11 ~~E.-G.~~ B.-F. establish minimum standards concerning the
12 professional activities of qualified rehabilitation consultants
13 and rehabilitation vendors in Minnesota. The performance
14 evaluations by rehabilitation services of qualified
15 rehabilitation consultants and vendors will be based upon these
16 standards, as well as on the adherence to Minnesota Statutes,
17 section 176.102 and rules adopted to administer it.

18 ~~E.~~ B. Professional conduct.

19 1. In accord with RS 1, J., the qualified rehabilitation
20 consultant or vendor shall provide rehabilitation services under
21 a rehabilitation plan. The qualified rehabilitation consultant
22 or vendor shall implement only those rehabilitation plans with
23 which the employee, the employer/insurer, and the qualified
24 rehabilitation consultant agree.

25 2. Only the assigned qualified rehabilitation consultant,
26 or a qualified rehabilitation consultant designated by the
27 assigned qualified rehabilitation consultant, shall be involved
28 at any given time in the employee's rehabilitation effort,
29 except as stated in 4. and 5. The assigned qualified
30 rehabilitation consultant must submit the R-2 rehabilitation
31 plan within 30 days of referral and must submit subsequent R-3
32 rehabilitation progress reports every 30 days to the office of
33 rehabilitation services and the other parties. This rule shall
34 not apply to a qualified rehabilitation consultant acting on
35 behalf of the reinsurance association in a monitoring or
36 advisory capacity on a reinsurance claim file.

1 3. A qualified rehabilitation consultant shall not
2 provide services to any parties after there has been an approved
3 change of qualified rehabilitation consultant except as provided
4 in 4. and 5.

5 4. A qualified rehabilitation consultant shall cooperate
6 in transferring to a newly approved qualified rehabilitation
7 consultant all data, reports, and relevant information within 15
8 days from the ~~date-of-letter~~ receipt of rehabilitation services
9 letter approving the new qualified rehabilitation consultant.

10 5. If a hearing has been scheduled before a judge or a
11 judicial body, a qualified rehabilitation consultant who is not
12 the approved qualified rehabilitation consultant may perform an
13 evaluation of the employee at the request of one of the
14 parties. Rehabilitation services shall be notified in writing
15 of the qualified rehabilitation consultant requested to do the
16 evaluation. A copy of the evaluation report, if developed,
17 shall be sent to rehabilitation services.

18 6. A qualified rehabilitation consultant who has
19 testified as an expert witness for any party in a judicial
20 hearing may not function as the ongoing qualified rehabilitation
21 consultant on the case unless agreed to by the parties employee.

22 7. A qualified rehabilitation consultant or vendor may
23 make recommendations for referrals to appropriate resources.

24 8. The roles and functions of a claims agent and a
25 qualified rehabilitation consultant or vendor are separate. A
26 qualified rehabilitation consultant or vendor, or an agent of a
27 rehabilitation provider, shall engage only in those activities
28 designated in Minnesota Statutes, section 176.102, its rules and
29 ~~polices-and-procedures~~. Claims adjustment and claims
30 investigation ~~are-prohibited~~ activities such as unilaterally
31 providing for an adverse medical, vocational, or rehabilitation
32 examination except as provided for in RS 18. B.5., aiding
33 insurers in determining monetary workers' compensation benefits,
34 or determining the reasonableness of medical or rehabilitation
35 service are prohibited for a rehabilitation provider. This rule
36 shall not prohibit a qualified rehabilitation consultant acting

1 on behalf of the reinsurance association from consulting with
2 the primary qualified rehabilitation consultant regarding the
3 rehabilitation plan.

4 D. C. Communications.

5 1. All reports submitted by a qualified rehabilitation
6 consultant or vendor shall be legible and show the employee's
7 name, social security number, date of injury, street address,
8 county, zip code of residence, and legal representative, if any.

9 2. All reports shall be submitted in accordance with
10 rehabilitation services' ~~policy, procedure, and~~ forms as
11 prescribed by the commissioner under Minnesota Statutes, section
12 176.165.

13 3. The employer shall be provided with copies of all
14 reporting forms.

15 4. Vendors are to submit all reports directly to the
16 qualified rehabilitation consultant.

17 5. A qualified rehabilitation consultant or vendor must
18 comply with all applicable data privacy acts.

19 6. A qualified rehabilitation consultant or vendor shall
20 not engage in communications with a physician concerning an
21 employee without a release of information form from the employee.

22 7. A qualified rehabilitation consultant or vendor shall
23 not make recommendations concerning an intent to or date of
24 retirement but may assist an employee in contacting resources
25 concerning a choice of retirement or return to work.

26 8. A qualified rehabilitation consultant or vendor shall
27 not recommend entering into settlement agreements.

28 9. A qualified rehabilitation consultant or vendor shall
29 request only that information and data which will assist the
30 parties in developing and carrying out the rehabilitation plan.
31 ~~They are prohibited from making investigations for claims~~
32 ~~processing purposes.~~

33 10. A The qualified rehabilitation consultant or vendor
34 assigned to a case shall provide all reports written by all
35 parties regarding a case to rehabilitation services. This rule
36 shall not apply to the reinsurance association, unless the

1 reinsurance association has assumed primary responsibility for
 2 the claim pursuant to Minnesota Statutes, section 79.35, clause
 3 (g).

4 11. A qualified rehabilitation consultant shall provide a
 5 vendor access to all appropriate medical and rehabilitation
 6 reports relating to a case.

7 E. D. Responsibilities.

8 1. A qualified rehabilitation consultant is to instruct
 9 the employee in of his rights and responsibilities by providing
 10 and reviewing with him ~~the-R-12~~ the purpose of rehabilitation
 11 services and the rights and responsibilities of the injured
 12 ~~Worker-form-together-with-The-Rehabilitation-Feedback-form~~
 13 ~~during-the-initial-interview~~ workers.

14 2. A qualified rehabilitation consultant or vendor shall
 15 be knowledgeable and informed regarding portions of the workers'
 16 compensation law, rules, ~~polices,~~ and ~~procedures~~ that directly
 17 relate to the provision of rehabilitation services. If a
 18 qualified rehabilitation consultant or vendor communicates
 19 inaccurate information regarding workers' compensation not
 20 directly related to rehabilitation services, the rehabilitation
 21 provider is subject to discipline.

22 3. A qualified rehabilitation consultant or vendor shall
 23 may contact rehabilitation services to clarify any
 24 rehabilitation issues or problems.

25 4. A qualified rehabilitation consultant or vendor's
 26 registration is subject to disciplinary action up to and
 27 including revocation based on substantiated complaints about
 28 professional behavior, or ~~services,~~ ~~or-for-failure-to-comply~~
 29 which show noncompliance with established laws, rules, ~~polices~~
 30 ~~and-procedures,~~ decisions, or orders.

31 F. E. Continuing education and competencies.

32 1. A qualified rehabilitation consultant or vendor shall
 33 attend at least one introductory training session provided by
 34 rehabilitation services within six months of being registered
 35 ~~provided-by-rehabilitation-services.~~

36 2. Rehabilitation services annual update sessions are

1 mandatory for all qualified rehabilitation consultants,
2 qualified rehabilitation consultant interns, and all registered
3 vendors.

4 ~~G.~~ F. Business practices. All registered qualified
5 rehabilitation consultants, qualified rehabilitation consultant
6 interns, and vendors shall abide by the following rules
7 concerning a provider's business practices.

8 1. Rehabilitation providers shall adhere to all
9 applicable federal, state, and local laws regulating business
10 practices.

11 2. Rehabilitation providers shall not misrepresent
12 themselves, their duties, or credentials. A rehabilitation
13 provider must not promise or offer services or results he cannot
14 deliver or has reason to believe he cannot provide. Competitive
15 advertising must be factually accurate and must avoid
16 exaggerating claims as to costs, results, and endorsements by
17 other parties. ~~When-recruiting-employees,-rehabilitation~~
18 ~~providers-must-not-falsely-promise-benefits,-employment~~
19 ~~advancement,-or-salaries-which-they-know-or-have-reason-to-know~~
20 ~~they-cannot-provide.~~

21 3. If a fellow rehabilitation provider violates RS
22 1.-19., a qualified rehabilitation consultant-~~or-vendor~~ provider
23 having information actual personal knowledge about the violation
24 must direct the information to rehabilitation services.

25 4. A provider shall not solicit referrals directly or
26 indirectly by offering money or gifts. De minimis gifts are not
27 considered the offering of money or gifts. De minimis gifts are
28 those that have a fair market value of less than \$25.

29 5. A rehabilitation provider shall advise the referral
30 source and payer of its fee structure in advance of rendering
31 any services and shall also furnish upon request, detailed and
32 accurate time records regarding any bills in question.

33 6. Any fee arrangement which prevents individual
34 assessment and services for each employee shall subject the
35 providers to discipline. Any fee arrangement which provides
36 employees with standardized services whether or not the services

1 are necessary shall also subject the parties rehabilitation
2 providers to discipline.

3 7. A rehabilitation provider shall not incur profit,
4 split fees, or have an ownership interest with another
5 rehabilitation provider outside of his or her own firm.

6 8. Qualified rehabilitation consultants shall not incur
7 profit through, split fees, or have an ownership interest with
8 health care providers ~~er-split-fees-through-referrals-with~~
9 ~~health-care-providers~~. "Health care providers" means those
10 defined in Minnesota Statutes, section 176.011, subdivision 24.

11 9. The prohibitions of 6., 7., and 8. shall not be
12 construed to prevent married couples or family members from
13 engaging simultaneously in rehabilitation or health care.

14 RS 19. Rehabilitation services and fees.

15 A. Fee monitoring.

16 1. Rehabilitation services has the responsibility and
17 jurisdiction under Minnesota Statutes, section 176.102,
18 subdivisions 2 and 9 to monitor and determine reasonable
19 rehabilitation costs, the necessity of services provided, and to
20 resolve any disputes that may arise between the parties
21 according to rule RS 13.

22 2. The employer/insurer has the primary responsibility
23 for monitoring and paying the cost of necessary rehabilitation
24 services provided. Either the employer/insurer or a
25 rehabilitation provider may request rehabilitation services to
26 make a determination of reasonable costs and necessity of
27 services.

28 3. Rehabilitation services shall conduct periodic audits
29 of costs and services. The employer/insurer and the
30 rehabilitation provider shall provide rehabilitation services
31 with itemized services and costs upon request. Rehabilitation
32 services must contact the parties to discuss costs and services
33 deemed questionable by rehabilitation services or one of the
34 parties. Rehabilitation services may order an administrative
35 conference to discuss services and fee disputes, whether
36 initiated by one of the parties or by rehabilitation services.

1 B. Reasonable and necessary services. A qualified
2 rehabilitation consultant or vendor shall bill for only those
3 necessary and reasonable services which are rendered in
4 accordance with rehabilitation services rules and policies and
5 procedures during completion of a plan. Reasonable and
6 necessary services and fees shall be determined by the
7 commissioner. The commissioner's review must include all the
8 following factors, ~~but may include other factors if enumerated~~
9 ~~in his eventual determination. -- These factors are:~~

10 1. The employee's unique disabilities and assets in relation
11 to the goals, objectives, and timetable of the rehabilitation
12 plan;

13 2. The type of rehabilitation services provided and the
14 actual amount of time and expense incurred in providing the
15 service;

16 3. The rehabilitation providers' fee schedules on file with
17 rehabilitation services and other fee schedules of providers on
18 file with rehabilitation services;

19 4. An evaluation of whether services provided were
20 unnecessary, duplicated other services, available at no charge
21 to public, or were excessively sophisticated for the actual
22 needs of the employee;

23 5. An evaluation of whether services rendered were expressly
24 authorized by either the employer, insurer, or rehabilitation
25 services;

26 6. An evaluation of whether Minnesota Statutes, chapter 176,
27 and rehabilitation services' rules RS 1.-19. have been followed
28 by the provider.

29 No registered qualified rehabilitation consultant,
30 qualified rehabilitation consultant intern, or registered vendor
31 shall attempt to collect reimbursement for an unnecessary or
32 unreasonable procedure, service, or cost from any other source,
33 including the employee, another insurer, the special
34 compensation fund, or any government program.

35 C. Reporting requirements. ~~All~~ The qualified rehabilitation
36 consultants consultant assigned to an employee must provide

1 rehabilitation services with ~~certain~~ the following information
2 regarding an employee's case for purposes of rehabilitation
3 services' monitoring of services and overall record keeping
4 requirements. This rule shall not apply to the reinsurance
5 association, unless the reinsurance association has assumed
6 primary responsibility for the claim pursuant to Minnesota
7 Statutes, section 79.35, clause (g).

8 1. The qualified rehabilitation consultant shall provide
9 rehabilitation services with an initial evaluation narrative
10 report concerning the employee which will include the following
11 information in summary fashion:

- 12 a. medical status;
- 13 b. vocational history;
- 14 c. educational history;
- 15 d. social/ and economic status;
- 16 e. transferable skills;
- 17 f. employment barriers; and
- 18 g. recommendations;

19 2. The qualified rehabilitation consultant shall provide
20 narrative progress reports, if needed, of up to one page;

21 3. The qualified rehabilitation consultant shall send
22 attached to progress reports required by 2. completed copies of
23 all vendor reports, medical, psychological, and vocational
24 reports regarding an employee's case.

25 4. The qualified rehabilitation consultant shall also
26 forward to rehabilitation services copies of completed reports
27 prepared for other parties by him or her.

28 The requesting party shall pay for all costs incurred by a
29 rehabilitation provider in creating a report not required by
30 rehabilitation services.

31 D. Estimated goal dates and costs. When developing the
32 rehabilitation plan and progress reports, the qualified
33 rehabilitation consultant must make a professional judgment
34 regarding any projected goal date and estimated costs. This
35 shall include projected goal date and estimated costs submitted
36 by any vendor. When the date or cost has been exceeded, the

1 qualified rehabilitation consultant and any rehabilitation
2 vendor must submit to rehabilitation services an itemized
3 billing and no more than a one page rationale regarding
4 continued provision of rehabilitation services. The
5 rehabilitation provider is to submit the rationale to the
6 employer/insurer. If the parties are unable to agree about
7 continued rehabilitation services, any party may request a
8 review by rehabilitation services.

9 E. Invoices. Invoices are to be attached to all plan
10 completion forms.

11 F. Consent of employer/insurer; exceptions. A qualified
12 rehabilitation consultant or vendor shall obtain the express
13 consent of the employer/insurer before providing the following
14 services, however, the presence or the absence of express
15 consent shall not preclude rehabilitation services from
16 determining the reasonable value or necessity of these services:

17 1. when not directed to plan objectives, costs for
18 physician visits, phone calls to physicians, accompanying
19 employee to appointments or examinations ~~not-directed-to-plan~~
20 objectives;

21 2. follow-up activity with employers during job placement
22 services to verify employee applications not arranged by
23 qualified rehabilitation consultant or vendor;

24 3. phone calls to rehabilitation services regarding
25 general procedures on questions or rehabilitation direction, not
26 related to a specific rehabilitation plan;

27 4. unanswered attempted phone calls;

28 5. time spent for report writing not requested by a party
29 beyond items indicated in the reporting guidelines of C.;

30 6. qualified rehabilitation consultant billings during
31 vendor activity periods beyond required reporting or specific
32 problem solving activity;

33 7. time for attendance ~~of-a~~ at an administrative
34 conference by the supervisor or-observer-at-administrative
35 conferences-when of the qualified rehabilitation consultant who
36 is providing services to the employee;