

CHAPTER 5220
DEPARTMENT OF LABOR AND INDUSTRY
COMPENSATION AND REHABILITATION

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5220.0100 DEFINITIONS.

[For text of subpart 1, see M.R. 1987]

Subp. 1a. [Repealed, 11 SR 2237]

[For text of subps 1b to 15, see M.R. 1987]

Statutory Authority: *MS s 176.102 subds 2,10; 176.183 subds 2,14*

History: *8 SR 1777; 9 SR 1478*

5220.1400 QUALIFYING ELIGIBILITY CRITERIA FOR REHABILITATION CONSULTANT.

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

Subp. 2. **Certification and education.** A qualified rehabilitation consultant/affiliated/independent shall possess the following credentials as applicable:

A. holder of a baccalaureate degree, together with certification by the Board of Rehabilitation Certification as a certified rehabilitation counselor or a certified insurance rehabilitation specialist; or

B. holder of a baccalaureate degree together with certification by the Association of Rehabilitation Nurses as a certified rehabilitation registered nurse and current licensure as a registered nurse in Minnesota.

Persons who are qualified rehabilitation consultants on the effective date of this part must obtain the certification described in item A or B within two years of that effective date. If a qualified rehabilitation consultant lacks two years or more of the experience required to meet the certifying body's minimum experience or internship requirement, the time for becoming certified shall equal the time remaining for completion of the certifying body's minimum experience or internship requirement. If a qualified rehabilitation consultant must also obtain a baccalaureate degree to meet the certifying body's minimum education requirements, the qualified rehabilitation consultant shall have an additional four years to become certified. If an examination is required for certification, the time allowed for certification under this part must include at least two scheduled examinations which the applicant is eligible to take. The qualified rehabilitation consultant shall select on the consultant's next annual application for registration the certifying body and program under which the qualified rehabilitation consultant is seeking certification. Persons who are qualified rehabilitation consultant interns on that effective date may become qualified rehabilitation consultants under the requirements in place prior to the effective date. Upon becoming qualified rehabilitation consultants, such persons must obtain certification as required by this paragraph.

Subp. 3. **Rehabilitation consultant intern.** An individual who meets the requirements of subpart 2, item A or B may be registered as a consultant intern. An individual who meets the requirements of subpart 2, item A or B, except that

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two years or less of internship or experience remains as a requirement for certification, may be registered as a consultant intern. The intern must work for at least one year as a qualified rehabilitation consultant intern in the rehabilitation of injured workers. When the intern is registered, the intern'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 on forms required by the commissioner. Direct supervision means that the supervisor is directly responsible for the rehabilitation work on any case. The supervisor shall cosign all work being done by the intern and 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 and seminars as required by the commissioner. So that all parties are aware of the intern's status, the intern shall be designated as an "intern" on all documents bearing the name of the intern. The intern may make application for "qualified" status when the minimum requirements in subpart 2, item A or B have been met.

Substantiated complaints about professional behavior or services, or failure to comply with laws, rules, or decisions and orders are grounds for denial of registration as a qualified rehabilitation consultant. The intern may appeal the denial as provided in part 5220.1500, subpart 2.

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

[For text of subps 4 and 5, see M.R. 1987]

Statutory Authority: *MS s 176.102 subd 2; 176.83 subds 2,8,9,15*

History: *11 SR 2237*

5220.1500 PROCEDURE FOR QUALIFYING AS REHABILITATION CONSULTANT.

Subpart 1. Application. An individual desiring to receive approval and registration as a qualified rehabilitation consultant shall submit to the commissioner, a complete application consisting of the following:

[For text of subpart 1, items A to F, see M.R. 1987]

G. the annual registration fee of \$50 for each qualified rehabilitation consultant or qualified rehabilitation consultant intern.

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

[For text of subp 2, see M.R. 1987]

Subp. 3. Registration and renewal. The applicant must complete an introductory training session before approval is final. The commissioner shall assign a registration number to each qualified rehabilitation consultant and consultant intern. The registration number shall be on all reports submitted by the consultant and consultant intern.

Registration must be renewed annually. No later than 60 days before expiration of registration, the consultant shall request registration renewal on a form prescribed by the commissioner.

Service and fee schedules shall be filed with the commissioner whenever

there is a change or no less than once each calendar year. This filing shall not constitute an approval or disapproval of the services and fees.

To retain registration, the consultant and consultant intern must submit satisfactory documentation of approved continuing education pertinent to the workers' compensation rehabilitation field equivalent to 30 contact hours each year at the time registration is renewed. Continuing education units must be obtained in the 12 month period immediately preceding the date on which registration renewal forms are due. At least ten contact hours must be approved by the commissioner as directly pertinent to the Minnesota workers' compensation law; remaining contact hours must be approved by the Board of Rehabilitation Certification for continuing certification as a certified rehabilitation counselor or certified insurance rehabilitation specialist or by the Association of Rehabilitation Nurses for continuing certification as a certified rehabilitation registered nurse. Satisfactory documentation shall include original certificates of attendance signed by the institution or organization sponsoring the approved continuing education units. Receipts for tuition are not acceptable as satisfactory documentation of attendance.

A qualified rehabilitation consultant intern or newly registered vendor shall attend at least one introductory training session provided by rehabilitation and medical services within six months of being registered.

Rehabilitation and medical services annual update sessions are mandatory for all qualified rehabilitation consultants, consultant interns, and all registered vendors.

Subp. 4. Nonrenewal and suspension. If an interval of one year occurs without providing direct case service or without providing supervision to qualified rehabilitation consultants or qualified rehabilitation consultant interns who provide direct case service to workers' compensation recipients, the registration and approval is automatically suspended. A qualified rehabilitation consultant or intern may apply for reinstatement by providing verification to rehabilitation and medical services of his or her attendance at all annual update sessions and fulfillment of continuing education requirements as provided by parts 5220.0100 to 5220.1900. The applicant must complete an introductory training session before approval is final. The suspension may be appealed to the rehabilitation review panel in accordance with subpart 5, item B.

[For text of subp 5, see M.R. 1987]

Statutory Authority: *MS s 176.102 subd 2; 176.83 subds 2,8,9,15*

History: *11 SR 2237*

5220.1600 PROCEDURE FOR APPROVAL AS A FIRM.

Subpart 1. Criteria. The firm shall be licensed to do business in Minnesota and shall maintain an administrative office within the state. Each office of the firm shall employ on the premises at least one qualified rehabilitation consultant. The management staff shall consist of at least one member who is registered as a qualified rehabilitation consultant. Eighty percent of the nonclerical staff shall be eligible, qualified rehabilitation consultants or consultant interns, provided that any firm that is not in an office sharing arrangement with another firm may have at least one nonclerical employee who is not a qualified rehabilitation consultant or consultant intern. The firm shall not provide the services designated only as rehabilitation vendor services.

Subp. 2. Application. A private or public entity desiring to be approved as a firm shall submit to the commissioner a complete application consisting of the following:

[For text of subp 2, items A and B, see M.R. 1987]

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

D. the annual registration fee of \$100 per firm.

[For text of subps 3 to 5, see M.R. 1987]

Statutory Authority: *MS s 176.102 subd 2; 176.83 subds 2,8,9,15*

History: *11 SR 2237*

5220.1804 [Repealed, 11 SR 2237]