

**5220.0120 WAIVER OF CONSULTATION AND REHABILITATION SERVICES.**

Subpart 1. **Purpose.** A rehabilitation waiver is used to defer the initiation of rehabilitation services including the consultation.

Subp. 2. **Criteria.** A request for a rehabilitation waiver must be filed on the disability status report within the time frames specified in part 5220.0110, subpart 7, item A. A waiver is granted when the employer documents that the otherwise qualified employee will return to the date-of-injury job or other suitable gainful employment with the date-of-injury employer within 90 calendar days after the request for the waiver is filed. The waiver shall not be effective more than 90 calendar days after the waiver is granted. A waiver of consultation and rehabilitation services may not be renewed.

Subp. 3. **Procedure and documentation.** A request for a rehabilitation waiver shall be documented on the disability status report form provided for in part 5220.0110, subpart 7.

Subp. 4. [Repealed, 29 SR 1480]

Subp. 5. **Commissioner's order.** If 90 calendar days have passed since the date of injury and the employee has not returned to work, no rehabilitation consultation has taken place, and no waiver of rehabilitation services has been granted, the commissioner shall order a rehabilitation consultation at the insurer's expense under Minnesota Statutes, section 176.102, subdivision 4, paragraph (f), to be provided by the vocational rehabilitation unit of the department if appropriate.

Subp. 6. **Referral for consultation after waiver.** If 90 calendar days have passed since the waiver was granted and the employee has not returned to suitable gainful employment, the insurer shall provide a rehabilitation consultation. The insurer shall also provide a rehabilitation consultation if requested by the employee at any time even if a waiver has been granted.

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

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

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