



September 19, 2024

Legislative Reference Library
645 State Office Building
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St. Paul, Minnesota 55155

Re: In The Matter of the Proposed Rules of the Department of Labor and Industry Governing Registration of Rehabilitation Providers, *Minnesota Rules*, Chapter 5220; and Proposed Repeal of *Minnesota Rules*, parts 5220.1400, 5220.1500, 5220.1600, and 5220.1700; Revisor's ID Number R-4752

Dear Librarian:

The Minnesota Department of Department of Labor and Industry ("Department") intends to adopt amendments to rules governing the registration processes and requirements of workers' compensation rehabilitation providers found in Minnesota Rules, Chapter 5220. The Department plans to publish a Dual Notice: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received in the September 23, 2024, *State Register*.

The Department has prepared a Statement of Need and Reasonableness. As required by Minnesota Statutes, sections 14.131 and 14.23, the Department is sending the Library an electronic copy of the Statement of Need and Reasonableness at the same time we are mailing our Dual Notice.

If you have questions, please contact me at 651-284-5205 or alexis.johnson@state.mn.us.

Yours very truly,

Alexis Johnson
Associate General Counsel

Enclosure: Statement of Need and Reasonableness

Minnesota Department of Labor and Industry

**STATEMENT OF NEED AND
REASONABLENESS**

In the Matter of Proposed Revisions of Minnesota
Rules Chapter 5220; R-4752

September 2024

General information:

- 1) Availability: The State Register notice, this Statement of Need and Reasonableness (SONAR), and the proposed rule will be available during the public comment period on the Agency's Public Notices website: [Rulemaking docket for Minnesota Rules Chapter 5220 -- 2022 | Minnesota Department of Labor and Industry \(mn.gov\)](#)
- 2) View older rule records at: [Minnesota Rule Statutes https://www.revisor.mn.gov/rules/status/](https://www.revisor.mn.gov/rules/status/)
- 3) Agency contact for information, documents, or alternative formats: Upon request, this Statement of Need and Reasonableness can be made available in an alternative format, such as large print, braille, or audio. To make a request, contact Ethan Landy, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155; telephone 651-284-5006; email dli.rules@state.mn.us; or use your preferred telecommunications relay service.

Table of Contents

STATEMENT OF NEED AND REASONABLENESS.....	1
Table of Contents	3
Commonly Used Acronyms	4
Introduction and Overview.....	5
<i>Introduction</i>	5
<i>Background</i>	5
<i>Public Participation and Stakeholder Involvement</i>	5
Statutory Authority.....	6
Reasonableness of the Amendments	7
<i>General Reasonableness</i>	7
<i>Rule-by-Rule Analysis</i>	7
<i>Regulatory Analysis</i>	33
Notice Plan	38
<i>Notice</i>	39
<i>Additional Notice Plan</i>	39
<i>Performance-based Rules</i>	39
<i>Consult with MMB on Local Government Impact</i>	40
<i>Impact on Local Government Ordinances and Rules</i>	40
<i>Costs of Complying for Small Business or City</i>	40
Witnesses and SONAR Exhibits	41
<i>Witnesses and Other Staff</i>	41
<i>SONAR Exhibits</i>	41
<i>Exhibit 1: QRC registration fee update</i>	41
<i>Exhibit 2: Draft rule, dated 1/5/23</i>	41
<i>Exhibit 3: Draft rule, dated 7/7/22</i>	41
Conclusion.....	41

Commonly Used Acronyms

APA	Administrative Procedures Act
DLI	Minnesota Department of Labor and Industry
MARP	Minnesota Association of Rehabilitation Providers
MASPPR	Minnesota Association of Service Providers in Private Rehabilitation
Minn. R.	Minnesota Rules
Minn. Stat.	Minnesota Statutes
MMB	Minnesota Management and Budget
MN	Minnesota
MRA	Minnesota Rehabilitation Association
OAH	Office of Administrative Hearings
QRC	Qualified Rehabilitation Consultant
RRP	Rehabilitation Review Panel
SONAR	Statement of Need and Reasonableness

Introduction and Overview

Introduction

The Minnesota Department of Labor and Industry (“Department”) presents these proposed permanent rule amendments that update the rules related to the registration of rehabilitation providers to provide clarification for QRC interns, QRCs, and QRC firms and vendors.

Background

The original rules promulgating the standards and procedures for providing rehabilitation services for injured workers were first adopted in 1980.¹ The rules have been amended on multiple occasions since then. Amendments to the rules governing fees for rehabilitation services, Minn. R. 5220.1900, were adopted in 2018.² Before that, the rehabilitation rules had not been revised since 2005.³

The Commissioner proposes changes to the rules that govern the registration processes for rehabilitation providers (QRC interns, QRCs, firms, and rehabilitation vendors) in an effort to make the rules more user-friendly and clarify the requirements for each of the provider groups.

Public Participation and Stakeholder Involvement

DLI sought feedback from regulated parties on multiple occasions during the rules drafting process. DLI first proposed possible draft rule amendments in 2018-19 as part of the above-referenced updates to the rules governing fees for rehabilitation services. At that time, due to the implementation of the new workers’ compensation electronic system, Campus, DLI decided to hold off on updating the registration portion of the rules until a later date.

On May 16, 2022, DLI published a Request for Comments in the *State Register* regarding potential updates to the rules governing registration of rehabilitation providers in chapter 5220. DLI also published a link to the request for comments and the rule’s docket page in the June 2022 edition of COMPACT, the Department’s quarterly workers’ compensation newsletter.⁴ DLI presented a first draft of the registration rules to the Rehabilitation Review Panel (RRP) at its meeting on July 7, 2022.⁵ The RRP is a body created by Minn. Stat. § 176.102, subd. 3, that consists of “two members each from employers, insurers, and rehabilitation, two licensed or registered health care providers, one chiropractor, and four members representing labor.” One of the duties of the RRP is to “develop and recommend rehabilitation rules to the commissioner.”⁶ RRP members advising the Department during the rulemaking process included members of the Minnesota Association of Rehabilitation Providers (MARP) and the Minnesota Association of Services Providers in Private Rehabilitation (MASPPR).⁷

¹ See [4 S.R. 1221–27](#) (Feb. 4, 1980).

² See [43 S.R. 361](#) (Sept. 17, 2018) and [43 S.R. 391](#) (Sept. 24, 2018).

³ See [29 S.R. 1480](#) (May 31, 2005).

⁴ The June 2022 edition of COMPACT is available at: www.dli.mn.gov/sites/default/files/pdf/0622c.pdf.

⁵ The minutes of the July 7, 2022, RRP meeting are available at: www.dli.mn.gov/sites/default/files/pdf/rrpminutes0722.pdf.

⁶ The duties of the RRP are described in full in [Minnesota Statutes § 176.102, subds. 3 and 3a](#).

⁷ The RRP member in the registered rehabilitation provider role was the former president of MARP. One alternate registered rehabilitation provider was a former MASPPR president. As of January 2024, the registered rehabilitation provider role and alternate are both members of MARP. A list of current members is available at: www.dli.mn.gov/sites/default/files/pdf/rrpmembers.pdf.

On October 10, 2022, DLI presented on the possible rules and recent draft at the Rehabilitation Provider Update conference. QRCs, QRC interns, and placement vendors are required to attend this update annually. DLI's Assistant Commissioner for Workers' Compensation presented and took questions related to the potential rules at the Minnesota Rehabilitation Association conference on October 27, 2022, and the Minnesota Association of Rehabilitation Professional conference on November 3, 2022. After considering the written comments and feedback that had been submitted by stakeholders and comments from members of the RRP, DLI revised the proposed rules and presented an updated version to the RRP on January 5, 2023. DLI also posted an updated draft of the registration rules on the rulemaking docket page on its website and emailed a link to the updated draft to people and entities who had signed up for the DLI updates lists for workers' compensation insurance adjusters and rehabilitation providers on January 12, 2023.⁸ A link to the updated rules was also included in the March 2023 publication of COMPACT, DLI's quarterly workers' compensation newsletter.⁹

After DLI received a number of questions and comments on the changes to the draft rules—the majority of which related to changes on the minimum length of a QRC internship—the Department discussed the rule changes in depth at the April 6, 2023, RRP meeting.¹⁰ Due to continued questions and concerns raised by stakeholders, the Department held an open forum on the rule updates at the July 6, 2023, RRP meeting.¹¹ Eight stakeholders signed up to deliver remarks on the rules, including representatives of MARP. The Department took the feedback provided at the open forum under advisement and presented another update of the rules at the October 5, 2023, RRP meeting. This update revised the changes to the timelines for QRC internships to reflect current rule requirements, with the Department committing to addressing the issue further in a future rulemaking. The RRP recommended that the commissioner adopt the draft rules dated October 5, 2023.¹² After the recommendation, the Department became aware of potential obsolete portions of the rule in the incorporation by reference section and, therefore, updated the draft to reflect the necessary updates. The changes were not substantive, and only served to account for the new or discontinued resources from the previous language in the incorporation by reference section. The Department notified the RRP of the changes and provided a link to the new version of the rules at the January 4, 2024 meeting.¹³

Statutory Authority

Minnesota Statutes section 176.102 addresses vocational rehabilitation for injured workers in the workers' compensation system. The goal of vocational rehabilitation is “to restore the injured employee so the employee may return to a job related to the employee's former employment or to a job in another work area which produces an economic status as close as possible to that the employee would have

⁸ There are approximately 27,000 persons on the adjusters email list and 27,000 persons on the rehabilitation providers list. Many individuals will sign up for multiple workers' compensation update lists. Although DLI created the lists to provide notice of information that would be of interest to adjusters and rehabilitation providers, persons other than adjusters and rehabilitation providers have also signed up to receive the emails.

⁹ The March 2023 edition of COMPACT is available at: www.dli.mn.gov/sites/default/files/pdf/0323c.pdf. The number of COMPACT subscribers is approximately 28,000.

¹⁰ The minutes of the April 6, 2023, RRP meeting are available at: www.dli.mn.gov/sites/default/files/pdf/rrpminutes0423.pdf.

¹¹ The minutes of the July 6, 2023, RRP meeting are available at: www.dli.mn.gov/sites/default/files/pdf/rrpminutes0723.pdf.

¹² The minutes of the October 5, 2023, RRP meeting are available at: www.dli.mn.gov/sites/default/files/pdf/rrpminutes1023.pdf.

¹³ The minutes of the January 4, 2024, RRP meeting are available at: www.dli.mn.gov/sites/default/files/pdf/rrpminutes0124.pdf.

enjoyed without disability.”¹⁴ Minn. Stat. § 176.102, subd. 1(b).

Rehabilitation services include medical management, vocational evaluation, counseling, job analysis, job modification, job development, job placement, labor market survey, vocational testing, transferable skills analysis, work adjustment, job seeking skills training, on-the-job training, and retraining. Minn. R. 5220.0100, subp. 29. The rules governing rehabilitation services are currently found at Minnesota Rules, parts 5220.0100 through 5220.1900.

Under Minnesota Statutes section 176.102, subdivision 2, the commissioner of DLI is required to “monitor and supervise rehabilitation services, including, but not limited to, making determinations regarding the selection and delivery of rehabilitation services and the criteria used to approve qualified rehabilitation consultants and rehabilitation vendors.”¹⁵ The commissioner then approves registration of rehabilitation providers who “satisfy rules adopted by the commissioner for rehabilitation consultants. The commissioner has broad authority to “adopt, amend, or repeal rules” that are “necessary to implement and administer” the provisions of Minnesota Statutes section 176.102.¹⁶

Under these statutes, the Commissioner has the authority to adopt these proposed rules.

Reasonableness of the Amendments

General Reasonableness

The Department, in consultation with the RRP, thoughtfully considered every proposed amendment and weighed multiple factors and parties’ interests and feedback while keeping the goal for rehabilitation providers to have the experience necessary to effectively serve injured workers at the forefront of the changes and to make sure all providers can easily understand and follow the rules. The proposed amendments reflect this thoughtfulness and the Department’s requirements to provide standards that offer performance-based rules to the extent feasible while maintaining clarity and enforceability.

Rule-by-Rule Analysis

RULE-BY-RULE ANALYSIS AND DRAFT COMMENTS

The rule-by-rule analysis discusses each section of the proposed rules, including a description of the need for the rule amendments and why the proposed rules are reasonable solutions for meeting the needs. This analysis does not include a description of provisions that are unchanged from the current rule or that are merely renumbered.

5220.0100 DEFINITIONS.

Subp. 23. Qualified rehabilitation consultant.

The proposed amendment is necessary to provide a cross-reference to the new proposed rules part

¹⁴ As long as certain conditions are met under Minn. Stat. § 176.102, subd. 9, employers are required to pay for rehabilitation services for injured workers.

¹⁵ Additionally, [Minnesota Statutes section 176.102, subdivision 10](#), provides that “[t]he commissioner shall approve rehabilitation consultants who may propose and implement plans if they satisfy rules adopted by the commissioner for rehabilitation consultants.”

¹⁶ [Minn. Stat. § 176.83, subs. 1–2](#), describe the commissioner’s general authority to adopt rules to implement provisions of Minnesota Statutes, chapter 176, and more specifically the authority for rules to implement and administer the rules for related to rehabilitation, including qualifications necessary for approval of rehabilitation providers.

that will govern QRC registration. The addition of the cross-reference will make it easier for a reader to know where to locate the specific registration requirements for a QRC.

Subp. 23a. Qualified rehabilitation consultant intern.

This subpart is added to define a “qualified rehabilitation consultant intern” by summarizing what a QRC intern is and does and cross-referencing the new rule section on QRC intern requirements in part 5220.1410. Although the current rules discuss QRC intern requirements in part 5220.1400, adding this definition is necessary because there is no formal definition of the term in the current rule. Additionally, adding this definition will aid in understanding the other rule parts that discuss QRC interns, particularly part 5220.1410.

Subp. 23b. Qualified rehabilitation consultant intern supervisor.

This subpart is added to define “qualified rehabilitation consultant intern supervisor” by summarizing what a QRC intern supervisor is and does. Although a supervisor’s requirements are explained in current rule in 5220.1400, the proposed rule clarifies this role in the cross-referenced part 5220.1410. As with the definition of QRC intern, adding this definition is necessary because there is no formal definition of an intern supervisor in the current rule. Additionally, adding this definition will aid in understanding the other rule parts that discuss QRC intern supervisors.

Subp. 24. Qualified rehabilitation consultant firm.

This subpart is amended by adding the phrase “registered by the commissioner,” which is necessary to add to make clear that, for the purposes of the rehabilitation rules in this chapter, QRC firms must register and be approved by the commissioner. Part 5220.1600, subp. 2a, of the current rule contains QRC firm registration requirements, but the amendment cross-references the new requirements in part 5220.1610. The addition of the cross-reference will make it easier for a reader to know where to specifically locate the registration requirements for QRC firms. Specifically, adding the registration language is also reasonable because it makes the definition for a QRC firm consistent with the language in the definition of rehabilitation vendor in subpart 25.

Subp. 25. ~~Registered rehabilitation~~ Rehabilitation vendor.

The proposed amendment removes the modifier “registered” before “rehabilitation vendor.” The amendment is necessary because the word “registered” is redundant since the definition already notes that the rehabilitation vendor is registered by the commissioner. Removing “registered” also makes the term “rehabilitation vendor” consistent with the terms for other types of rehabilitation providers. This amendment is reasonable because QRC interns, QRCs, and QRC firms all have to be registered by the commissioner, but the word “registered” is not included in their titles.

The phrase “according to part 5220.1710” is also added to the definition in order provide a cross-reference to the proposed rule part that will govern the registration of rehabilitation vendors. The addition of the cross-reference will make it easier for a reader to know where to locate the registration requirements for rehabilitation vendors.

Subp. 28. Rehabilitation provider.

The proposed amendment deletes the word “registered” in item D to make this subpart consistent with the proposed amendment to the term “registered rehabilitation vendor” in 5220.0100, subpart 25 described above.

5220.0105 INCORPORATION BY REFERENCE.

The proposed amendment updates documents that are incorporated by reference for use in other sections of the rehabilitation rules in chapter 5220. The amendments are reasonable and necessary because they remove outdated and obsolete cross-references that are no longer available or used in providing rehabilitation services. The only item incorporated by reference is the Dictionary of

Occupational Titles, which is not subject to frequent change but is still available online and used in rehabilitation services.

5220.0107 SERVICE AND FILING OF REHABILITATION DOCUMENTS; COUNTING DAYS.

The proposed amendment deletes references to filing rehabilitation documents by facsimile. Documents are now required to be filed electronically in the Campus system under Minn. Stat. § 176.285, subd. 2, and the Department does not accept documents by facsimile.

5220.0410 REHABILITATION PLAN.

The proposed amendments to this part are reasonable and necessary for consistency with the proposed amendments to part 5220.0105, Incorporation by Reference. The amendments remove references to items that are no longer in the incorporation by reference section and make corresponding changes to the part to reflect the removal of those items. The proposed amendments also include an updated reference to the Commission on Accreditation of Rehabilitation Facilities, or CARF, and where the information for CARF can be found. This is the only section where CARF is used, so there is no need to incorporate the website by reference for use elsewhere in the rules.

Additionally, the proposed amendments delete the word “registered” to keep the use of the terminology consistent with the proposed amendment to the term “registered rehabilitation vendor” in 5220.0100, subpart 25 described above.

5220.0450 PLAN PROGRESS REPORT.

The proposed amendment deletes the word “registered” to keep the use of the terminology consistent with the proposed amendment to the term “registered rehabilitation vendor” in 5220.0100, subpart 25 described above.

5220.0510 PLAN AMENDMENT AND CLOSURE.

The proposed amendment deletes the word “registered” to keep the use of the terminology consistent with the proposed amendment to the term “registered rehabilitation vendor” in 5220.0100, subpart 25 described above.

5220.0850 ON-THE-JOB TRAINING.

The proposed amendment to this part removes the reference to the Dictionary of Occupational Titles code number. Although the Dictionary of Occupational Titles remains a reference for the rules, it is no longer necessary for job training information to include the code number.

5220.1250 ROLES OF REGISTERED REHABILITATION PROVIDERS.

The proposed amendments to this part include:

- deleting the word “registered” in a number of areas to keep the use of the terminology consistent with the proposed amendment to the term “registered rehabilitation vendor” in 5220.0100, subpart 25 described above;
- updating the cross-reference to the proposed rule part governing requirements and registration of QRC firms by changing the language to “according to part 5220.1610;”
- adding the following terms to the approved rehab services in the rehabilitation vendor description: vocational testing, job seeking skills, labor market survey, post-placement follow-up, and transferrable skills analysis; and
- moving language from the current rule in part 5220.1500, subp. 5, on the commissioner’s requirement to monitor rehabilitation providers to ensure they comply

with standards of performance and professional conduct in rule and statute.

The first two changes are needed and reasonable to ensure that the entire rule chapter is consistent and updated to reflect the overall changes in the proposed rules. The terms that are added to the rehab vendor description are included because these are typical services that currently are provided by a vendor if they have the training and expertise to do so. By adding these terms, the rules help clarify the scope of vendor services in the rules and reflects current practice. Finally, the language on monitoring providers is identical to language currently in part 5220.1500, subp. 5. However, due to the re-organization of the rule that part will be repealed. The language is still necessary to include in this chapter to make sure that the rules describe the commissioner's role in monitoring rehabilitation services. It is reasonable to move the language to part 5220.1250 to further clarify that this monitoring requirement applies to all rehabilitation providers.

5220.1410 QUALIFIED REHABILITATION CONSULTANT INTERNS AND SUPERVISORS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

The proposed rules add a new part in 5220.1410 so that all requirements, including registration requirements, for a QRC intern are in one part of the rules. As noted previously, the Department is re-organizing and rewriting the current rehabilitation rules in chapter 5220 so that they are easier to follow and use for all stakeholders. Because of the extensive changes and reorganization, it is reasonable and necessary to create new parts of the rule rather than attempt to rewrite the rules to move requirements and references from other sections.

While this new section does incorporate many of the requirements in current part 5220.1400, and elsewhere in current rule, as they apply to QRC interns, it also adds clearer descriptions of requirements to ensure that a QRC intern and their intern supervisor understand the expectations of their roles and the training necessary before filing an application to become a QRC.

The specific changes are described further below.

Subpart 1. Requirements and application to become a qualified rehabilitation consultant intern.

Subpart 1 contains the requirements for registration as a QRC intern. First, item A makes explicit that a QRC intern must be employed by a QRC firm. This is necessary to ensure that the requirements for QRC firms in part 5220.1610, subpart 1, of the proposed rules cover the work of all QRC interns.

Subpart 1, item B, requires an applicant to file a complete application with the commissioner for QRC intern registration. The application must include the pieces of information listed under item B for the reasons noted below:

- Subpart 1, item B, subitems 1 and 3. The applicant must include personal information in subitems 1 and 3 so that DLI is able to contact the applicant, the applicant's QRC firm, and the applicant's supervisor before and during the internship, if necessary. It is reasonable to require this information because during the course of an internship DLI may have to contact these parties about matters such as an intern's application, the provision of rehabilitation services to injured workers, and professional conduct.
- Subpart 1, item B, subitem 2. The applicant must provide their social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, because this is required by Minn. Stat. § 270C.72, subd. 4.¹⁷

¹⁷ [Minn. Stat. § 270C.72, subd. 4.](#), requires all licensing authorities to require applicants to provide a Social Security number or individual tax identification number and their Minnesota business identification number on license applications.

- Subpart 1, item B, subitem 4. This subitem cross-references subpart 3, item J, of this part of the proposed rules, which requires a QRC intern to fulfil certification/education standards. Adding this requirement in the application is reasonable and necessary to remind the applicant of this requirement and decrease the likelihood that the applicant's completion of the internship is delayed because they did not meet certification or education standards. This is also a requirement in part 5220.1400, subp. 3, of the current rules for QRC intern applicants who are not certified.
- Subpart 1, item B, subitem 5. This subitem is reasonable and necessary so that injured workers, attorneys, and insurers know which QRC interns and QRCs speak languages other than English and are available for referral for QRC services. Asking applicants to include whether they speak languages other than English helps injured workers find a QRC intern with whom they can communicate.
- Subpart 1, item B, subitem 6. This subitem is necessary because DLI needs to know if the applicant's employment status changes during the internship so that DLI can keep information on the QRC intern current during the internship. Besides DLI's ability to contact the intern for the reasons described under subitems 1 and 3, DLI also needs to confirm that any injured workers who were receiving services from the QRC intern are assigned to another QRC or QRC intern if that QRC intern leaves the profession. Two weeks is a reasonable amount of time for this notice because it gives the applicant time to comply while at the same time ensuring that the Department is notified of employment changes soon enough to mitigate any negative impacts the change may have on injured workers.
- Subpart 1, item B, subitem 7. Many rehabilitation services are provided in-person, and almost all injured workers who receive rehabilitation services reside in or near Minnesota. By requiring applicants to confirm that they reside in Minnesota or within 100 miles by road from the Minnesota border it ensures that they will be able to provide services to injured workers in-person as required in part 5220.0130, subp. 2, and attend administrative conferences and OAH hearings as requested to discuss the employee's rehab plan. Currently, part 5220.1400, subpart 5, requires Minnesota residency for a QRC, or for an applicant to ask for an exception from the commissioner if within 100 miles of the Minnesota border. The proposed rule removes the request process. The language is included in this part so the requirement applies to QRC interns.
- Subpart 1, item B, subitem 8. Minnesota Statutes section 176.102, subdivision 14, requires the imposition of fees to cover the costs of approving and monitoring qualified rehabilitation consultants, consultant firms, and vendors of rehabilitation service. The change to the proposed fee of \$140 from the current fee of \$100 for QRC interns is necessary to reflect current costs of approving and monitoring individuals and entities providing rehabilitation services. As noted above, the specific fee is reasonable because it was calculated as part of fee updates for all rehabilitation registrations in consideration of the statutory requirements.¹⁸ There have been no updates to registration fees since 1989. In that time, the costs—primarily reflected in staffing costs—have risen.

Subpart 1, item C, requires the application to include a plan of supervision and a signed declaration from the intern supervisor to agree to comply with the requirements for supervisors in subpart 4. This requirement is needed and reasonable to ensure that the QRC intern has found a supervisor and that the intern and supervisor have discussed how the intern will meet the requirements in the rules and eventually meet the level of knowledge necessary to be a QRC. The signed declaration is also necessary to hold the supervisor accountable for taking on the role in the intern's learning process in the event there is a related professional conduct matter. The inclusion is reasonable because a supervisor should be familiar with and

¹⁸ Exhibit 1 shows the calculation of the new fees in detail. This is further explained in the Regulatory Analysis section below in Item E on the Probable costs of complying with the rule.

follow the requirements in the rules.

Subpart 1, item D, requires that the applicant attest that everything in the application is true. This item is necessary so that DLI can rely on the information in the application in determining whether the applicant will be able to provide sufficient QRC services to injured workers. It is also consistent with requirements in Campus regarding attestation and truthfulness. Injured workers also need to be able to trust that their QRC or QRC intern is truthful and can complete tasks required for their services. If the applicant falsifies any information, then they may be subject to denial under subpart 2, item C, subitem 1.

Subp. 2. Approval or denial of qualified rehabilitation consultant intern registration.

Subpart 2 lays out the procedures by which DLI processes an application for QRC intern registration.

In Item A, providing this timeline is necessary so that that an applicant has a timeframe of when to expect the commissioner's decision. The 60-day timeline is reasonable to ensure that DLI has enough time to consider all applications. While most applications can be approved or denied within approximately two weeks, there may be instances where more time is needed to consider an application. This is particularly the case if DLI believes that there may be reason to deny the applicant under subpart 2, item C. The 60-day deadline in subpart 2, item A, gives DLI enough time to thoroughly review an application and, where appropriate, issue a written explanation stating why it was denied under subpart 2, item C.

Subpart 2, item B. The commissioner assigns a registration number in Campus to each QRC intern whose application is approved to refer to the QRC intern without having to use the QRC intern's name. Having a registration number is necessary for when there are multiple QRC interns or QRCs with the same name and for when the QRC intern's information must be used and is not public.

Subpart 2, item C, lists the reasons that DLI might deny a QRC intern's application. It is reasonable and necessary to include the potential reasons for denying an application so that the applicant has a clear understanding of DLI's review process. Current rules, in parts 5220.1400 and 5220.1500, include the language in subitem 2, but the proposed rules add the other subitems. Specifically, subitems 1 through 3 are included for the following reasons:

- Subpart 2, item C, subitem 1. The commissioner needs to be able to deny an application if the applicant has not met the requirements in part 5220.1410, subpart 1. As explained above, the requirements in subpart 1 are necessary for any applicant to ensure that the intern will provide services to injured workers and to make sure that they keep their registration information accurate and correct. Additionally, the proposed rules specifically require this information and so an application without all the information included would be incomplete.
- Subpart 2, item C, subitem 2. It is necessary for the commissioner to have the authority to deny the application if the applicant has violated applicable law. This is reasonable because such violations could make the applicant unfit to provide services to injured workers.
- Subpart 2, item C, subitem 3. It is necessary for the commissioner to be able to deny an application if the applicant has outstanding fines or penalties from DLI. Fines and penalties from DLI relate to violations of law, and it is reasonable to require that outstanding fines or penalties be resolved for a licensed applicant. Although subitems 2 and 3 may not be applicable for most interns, they may be necessary if an intern is attempting to re-apply under item G after their registration expires.

Subpart 2, items D-F describe the process for appealing an order by the commissioner denying an application for QRC intern registration. The current rules outline an appeal process for denial of a QRC

registration application or renewal in part 5220.1500, subp. 2. Because that part is being repealed in the proposed rules, language outlining the appeal process is included in each individual rehabilitation provider part, including here for QRC intern applicants. The applicant must file a written request for hearing so that there is documentation that the applicant wants to contest the commissioner's order. The request must be filed within 30 days of service of the order denying the application so that the appeal can be resolved in a timely matter. By statute, the rehabilitation review panel initiates the hearing under the contested case procedures of chapter 14 and makes a determination regarding the commissioner's order denying the application.¹⁹ It is reasonable and necessary to include a description of the appeal process in the rules to outline due process and ensure that applicants are aware of this process if their application is denied.

Subpart 2, items G. The proposed rule provides that QRC intern registration expires 36 months from the date the application for QRC intern registration is approved. This is for multiple reasons.

First, the Department decided on the 36-month timeframe to reflect changes elsewhere in the rules. Current requirements in 5200.1400 require a QRC intern to obtain certification within three years of approval as a certified rehab counselor or certified disability management specialist within three years of approval of their registration as an intern or their renewal application will be denied. However, the proposed rules are less focused on certification and more focused on internship requirements. Initial feedback received from stakeholders regarding the first draft of the rules encouraged DLI to allow for an intern to complete requirements in a shorter timeframe, rather than the current one year in the rules. DLI proposed a shorter minimum and maximum timeframe for completion of an internship based on that feedback.²⁰ As explained further in part D of the Regulatory Analysis section below, DLI ultimately determined that the current timeframes of one year and three years (listed in months in the proposed rule) should remain. This is also explained further in part 5220.1510, subpart 1, item B. It is also reasonable to change the timeframe to months because it is easier for QRC interns to track more accurately.

Although DLI estimates that a QRC intern could complete the requirements more quickly than in 36 months, DLI recognizes that there may be situations in which more time is required. For example, a QRC intern might work part-time, go on medical leave, change their employer, change their supervisor, or be employed by a smaller QRC firm where there is less work for QRC interns. Therefore, it is reasonable for the rules to provide additional time beyond what DLI has seen is typical for an intern to complete their required work. However, it is also reasonable and necessary to include limitations on the time to complete internship requirements. If a QRC intern faces so many challenges that they cannot finish the internship in 36 months, the QRC intern must apply for QRC intern registration again and complete the requirements in subpart 3, after the date the subsequent application for QRC intern registration is approved. It is reasonable and necessary to require the QRC intern to start over to make sure that the QRC intern is up to date on all QRC requirements so that they are competent to provide rehabilitation services to injured workers without supervision.

Subp. 3. Requirements during the internship.

Subpart 3 lists what the QRC intern must do during the internship. The reasons for including each requirement are as follows:

- Subpart 3, item A. This item is included to make it explicit that the QRC intern must follow all applicable statutes, rules, and orders. It is reasonable for any rehabilitation provider to comply with all legal requirements when providing services.
- Subpart 3, item B. The QRC intern must complete an orientation session sponsored by DLI within 12 months of approval of internship registration. It is reasonable to require attendance at

¹⁹ See Minn. Stat. § 176.102, subd. 3.

²⁰ This is reflected in Exhibit 2, the 1/5/23 draft of the rule.

an orientation session because it provides training and information on important topics specific to the industry. For example, the orientation typically presents new updates regarding QRC requirements. It is particularly important for a QRC intern to attend orientation as part of the process of learning basic skills and knowledge for a QRC.

- Subpart 3, item C. The QRC intern must complete all of DLI's rehabilitation provider update sessions offered during their internship. Update sessions are mandatory for all QRCs under the current rules in part 5220.1500, subp. 3a and in the proposed rules in part 5220.1510. Because part 5220.1500 will be repealed, the rules include the requirement for all interns in this part and QRCs as proposed in part 5220.1510. It is reasonable that a QRC intern is required to attend so that they stay aware of any major changes in the provision of rehabilitation statutes, rules, and practices. The update also offers attendees continuing education credits.
- Subpart 3, item D. Keeping updated contact and employment information is necessary so that DLI can contact all QRC interns when necessary. DLI provides a list of QRC interns and QRCs for injured workers and stakeholders to choose from, and so information must also be kept up to date on that list. Additionally, if a QRC intern changes employment then DLI may need to ensure that the injured worker who was receiving services from the intern or their firm gets another QRC if they choose to make a change in order to minimize disruption or delays in carrying out the rehab plan.
- Subpart 3, item E. In the event the QRC intern changes their supervisor (either within the same firm or going to work at a new firm), the intern or new intern supervisor must submit a new plan of supervision and declaration that the supervisor will comply with all of the requirements in subpart 4. Therefore, it is necessary for DLI to be notified of a supervisor change. Additionally, it is reasonable to require the QRC intern to notify DLI before changing the QRC intern's supervisor so that DLI can: (1) confirm that the new supervisor is a QRC and meets the requirements under subpart 4 of this section throughout the internship; and (2) make sure the supervisor has filed the signed declaration and a plan for supervision as required under subp. 1, item C.
- Subpart 3, item F. The indication of "QRC intern" after the rehabilitation provider's name is necessary to notify the parties the individual is not yet a qualified rehabilitation consultant (QRC) but is in a supervised plan to gain the necessary work experience to become a QRC. The rehabilitation provider community is familiar with this requirement because it is in the current rules in part 5220.1400, subp. 3a, which will be repealed under the proposed rules. The parties also know that if there are any questions or concerns about the intern's work, they may address it with the supervisor.
- Subpart 3, item G. The QRC intern must work as the assigned QRC intern on 12 or more rehabilitation plans so that the QRC intern gets experience working with a variety of injured workers. DLI staff knowledgeable about the provision of rehabilitation services determined that this number was reasonable since a QRC intern who works on 12 or more rehabilitation plans is likely to see a range of issues sufficient to prepare the QRC intern to work as a QRC.
- Subpart 3, item H. QRCs are required to complete the reports listed in this item in order to document the provision of specific rehabilitation services necessary to learn the skills required of a QRC. Requiring a QRC intern to complete each of the reports ensures that the intern can ask questions and learn how to perform the fundamental QRC tasks while under supervision. This requirement is reasonable and necessary because it will help the intern be able to complete the reports independently after they become a QRC. Additionally, reports listed here are required to be attached as examples by the supervisor on the intern's application for completion of internship under current rule in part 5220.1400, subp. 4. There are no new additions, although there are some updates to the terminology such as changing "labor market analysis" to "labor

market survey.”

- Subpart 3, item I. Requiring a QRC intern to complete each of the listed reports ensures that the QRC intern can ask questions and learn how to perform fundamental QRC tasks while under supervision. This requirement is reasonable and necessary because it will help the intern be able to complete the reports independently after they become a QRC. The reports in this item are prepared less frequently than those listed in item H, so a QRC intern might not be assigned to any files during the internship where such reports are needed. Therefore, it is reasonable and necessary to allow the intern to complete reports outside of their assigned files. The requirement to contact the Department in that situation is necessary so that DLI is aware of the circumstances when ensuring that the intern has met the requirements in the rules.
- Subpart 3, item J. QRCs need to have one of the certifications listed in item J. Current rules in part 5220.1400, subp. 2, require that a QRC possess one of the listed certifications. The certifications are relevant to work as a QRC as follows:
 - A person designated as a Certified Rehabilitation Counselor (CRC) by the Commission on Rehabilitation Counselor Certification requires a Master’s or PhD in vocational rehabilitation education and training, and “an adherence to rigid standards of ethical practice, and an ongoing commitment to lifelong learning.”²¹ “Rehabilitation counselors who earn the designation of CRC must meet stringent eligibility requirements, including advanced education and work experience specific to serving individuals with disabilities. They must also pass the CRC Examination. Once certified, CRCs must adhere to a rigid Code of Professional Ethics for Rehabilitation Counselors. CRCs must also demonstrate an ongoing commitment to lifelong learning by renewing their certification every five years through continuing education or re-examination.

Participation in continuing education ensures that all CRCs continue to expand their skills. CRCs stay current on leading edge changes within the field such as medical advancements, assistive technology applications, changes in employment law, and workplace and communications advancements.
 - To obtain Certification as a Certified Disability Management Specialist (CDMS), a person must meet relevant education and experience requirements, including a registered nurse license or a bachelor’s degree, pass an exam, and abide by certain principles and ethical requirements. Certification as a CDMS “validates specialized knowledge through examination, verifies requisite levels of education and experience, demonstrates a commitment to continuing education and examination to stay at the forefront of your profession, and requires adhering and maintaining high ethical standards through a Code of Professional Conduct.”²²

Subp. 4. Requirements for supervisors of qualified rehabilitation consultant interns

Subpart 4 lists the requirements for supervisors of qualified rehabilitation consultant interns. The current rehabilitation rules include supervisor requirements in various subparts of part 5220.1400. The proposed rules re-organize and clarify the supervisor requirements in this subpart because it is reasonable to include with the intern requirements and part 5220.1400 will be repealed under the proposed rules. The requirements in item A-G are reasonable and necessary for the following reasons:

- Subpart 4, item A. This item is necessary to make sure that the QRC intern is familiar with the rehabilitation statutes and rules before the intern meets with an injured worker and throughout the internship. It is reasonable to assume that a QRC intern may not have

²¹ <https://www.crc certification.com/about-crc>.

²² <https://www.cdms.org/get-certified/cdms-certification/eligibility-criteria-and-requirements>.

read the statutes and rules before. Because a QRC supervisor must have at least three years of experience (excluding time as a QRC intern) under the proposed rules, they should be familiar with the laws that govern rehabilitation providers and their application to practice. It is reasonable to expect that an intern supervisor take responsibility to ensure that the QRC intern complies with all relevant statutes and rules.

- Subpart 4, item B. The supervisor is not permitted to bill for supervisory duties because the supervisor is not the assigned QRC on the rehabilitation plan. This requirement is familiar to the rehabilitation provider community because it is in the current rules in part 5220.1400, subp. 3a, which will be repealed under the proposed rules. It is reasonable to include this requirement because if the supervisor and intern both billed for their duties, this would cause the insurer to pay more for rehabilitation services than is reasonable and necessary under Minn. R. part 5220.1900, subp. 2. Additionally, QRC firms can make business decisions to employ QRC interns without experiencing a net financial loss. QRC firms may consider how much revenue would be generated during the internship and the projected revenue if the QRC intern works for the QRC firm as a QRC after the internship. QRC firms also decide what they can afford to pay QRC interns and how many QRC interns to hire.
- Subpart 4, item C. This item directs the supervisor to help make sure that the QRC intern is on track to complete the internship. This requirement is familiar to the rehabilitation provider community because it is in the current rules in part 5220.1400, subp. 3a, which will be repealed under the proposed rules. As an experienced QRC, it is reasonable and necessary to expect the supervisor to accept responsibility for their intern's work and to know whether the QRC intern is making appropriate progress towards completing the internship. This requirement is also necessary because it also makes it more likely that the QRC intern will timely finish the internship and become a QRC before their intern registration expires.
- Subpart 4, item D. The supervisor needs to attend and to help the QRC intern prepare for administrative conferences and hearings. This requirement is familiar to the rehabilitation provider community because it is in the current rules in part 5220.1400, subp. 3a, which will be repealed under the proposed rules. Workers' compensation administrative conferences and hearings often involve complicated issues. It is reasonable to require the assistance and presence of the supervisor to help the QRC intern successfully navigate this more challenging part of being a rehabilitation provider and prepare the QRC intern to attend such conferences and hearings independently as a QRC. The proposed rules include additional details about the typical preparation and issues that a QRC intern may experience at an administrative conference or hearing.
- Subpart 4, item E. The supervisor must specifically review all written work that substantively applies to the scope of a rehabilitation plan of their QRC intern. It is reasonable and necessary to require this review so that the written documents filed under the plan meet all legal requirements. A QRC intern is not expected to have the level of knowledge of their supervisor, so this provision helps to ensure the parties in a workers' compensation claim that the services provided to an injured worker will be satisfactory.
- Subpart 4, item F. This item cross-references Minn. R. part 5220.0710, which describes the process when the assigned QRC changes and it is not the choice of the injured

worker.²³ It is reasonable and necessary to include this requirement in this section to make sure it is clear that it applies to a QRC intern. It is also reasonable to have the supervisor coordinate the transfer of the QRC intern's files to a new assigned QRC if the QRC intern leaves employment with the QRC firm because the supervisor will be the person most familiar with the QRC intern's files.

- Subpart 4, item G. This subpart requires the supervisor to be a currently registered QRC with at least three years of QRC work experience, excluding time as an intern. This is necessary because a QRC intern supervisor needs to have a range of relevant knowledge and a variety of experiences providing rehabilitation services. The three-year requirement is reasonable because DLI staff knowledgeable about the provision of rehabilitation services determined that most QRCs would be capable of supervising a QRC intern after working independently for three years. DLI staff also consulted QRCs with experience supervising interns regarding the necessary experience needed to be a supervisor. Although answers varied, all the QRCs surveyed indicated that they felt that a supervisor should have several years of experience, which is more than the one year currently required in part 5220.1400, subp. 3a. An experienced supervisor will be able to guide the QRC intern through any difficult situations that arise during their internship.

5220.1510 QUALIFIED REHABILITATION CONSULTANTS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

The proposed rules add a new part in 5220.1510 so that all requirements, including registration requirements, for a QRC are in one part of the rules. As noted previously, the Department is re-organizing and rewriting the current rehabilitation rules in chapter 5220 so that they are easier to follow and use for all stakeholders. Because of the extensive changes and reorganization, it is reasonable and necessary to create new parts of the rule rather than attempt to rewrite the rules to move requirements and references from other sections.

While this new section does incorporate many of the requirements in current part 5220.1500, and elsewhere in current rule, as they apply to QRCs, it also adds clearer descriptions of requirements to ensure that parties understand the requirements for applying to become a QRC and renewing a QRC license.

The specific changes are described further below.

Subpart 1. Completion of qualified rehabilitation consultant internship and requirements to become a qualified rehabilitation consultant.

Subpart 1 contains the requirements for initial registration as a QRC.

First, item A makes explicit that a QRC must be employed by a QRC firm. Under current rules in part 5220.1400, subp. 5, all QRCs must be self-employed or employed in an organization approved to employ QRCs such as a firm or employer or insurer. This is necessary to ensure that the requirements for QRC firms in part 5220.1610, subpart 1, cover the work of all QRCs. Additionally, a self-employed QRC would need to register a firm with DLI. The removal of the employer or insurer option is more aligned with other rule and law requirements, as well as the structure of the workers' compensation system. For instance, under the workers' compensation modernization system, Campus, a QRC at an insurer or employer could potentially have access to claim information when they are not providing rehab services,

²³ [Minnesota Rules, part 5220.0710, subp. 5](#), describes the circumstances when a change in QRC may be "necessitated by circumstances outside the control of the employee." Because subpart 1 of that section applies time limits to an employee's right to choose a QRC, subpart 5 accounts for circumstances such as a QRC leaving a firm.

blurring the lines between the separate roles of rehabilitation provider and claims agent.²⁴ Professional conduct requirements also require that the QRC only have access to information required to provide their services, and DLI is also required to ensure that workers' compensation data is protected. Therefore, it is reasonable to require the QRC to be part of a separate entity to ensure that they are separated from claims.

Subpart 1, item B, provides the timing requirements for initial application for QRC registration.

- Subpart 1, item B, subitem 1, is necessary because the initial application for QRC registration must be completed while the applicant is still a QRC intern. This is reasonable because it requires that an applicant complete the QRC internship before becoming a QRC.

DLI reviews the initial application for QRC registration to determine whether the QRC intern has completed all of the internship requirements. The proposed rule does not permit a gap between registration as a QRC intern and the initial application for QRC registration. It is assumed at the point of application to become a QRC that the QRC intern has an active caseload. Only active QRCs or QRC interns may provide services to injured workers. If the intern's registration has expired, creating a gap, then technically the intern is inactive and having a caseload would be a violation of the law. Furthermore, if DLI determines that the intern must submit additional evidence/documents to become a QRC, then the inactive intern would not have access to Campus, which requires rehabilitation providers to be active to utilize the program. Finally, if DLI determined the internship needed to be extended, as the intern had not fully met the requirements to be a QRC, the inactive intern would need to work with the QRC intern supervisor to develop a new plan of supervision, sign a new document of responsibility, and be assigned a case load of injured workers.

- Subpart 1, item B, subitem 2. This subitem requires a QRC applicant to have been registered as a QRC intern for at least 12 months before filing an initial application for QRC registration. This requirement is the same as in current part 5220.1400, subp. 4, which states that, "The intern must work at least one year full time . . .,"²⁵ except written out in months. Although DLI considered changes to the minimum requirements for QRC interns as described below in part D of the Regulatory Analysis section, it was ultimately determined that it was reasonable to keep the current 12-month timeframe because it is the best way to ensure that interns gain experience under the direction of an experienced QRC.
- Subpart 1, item B, subitem 3, establishes the timeframe in which the QRC intern must complete the requirements of the internship. This subitem is consistent with the proposed rule that intern registration expires 36 months from the date it is approved. *See* part 5220.1410, subpart 2, item G.

DLI, the RRP, and the professional rehabilitation organizations have a shared interest in ensuring that injured workers have access to necessary rehabilitation services. Since QRC interns have various backgrounds and experience, they are required to work with an intern supervisor under the rules. The supervisor will be in the best position to determine when an intern has the requisite experience to submit their application and ultimately work as a QRC on their own.

Subpart 1, item C, requires the applicant to file an initial application for QRC registration with the

²⁴ Part [5220.1801, subp. 8](#), describes the separate roles and functions of a claims agent and a rehabilitation provider in more detail.

²⁵ *See* part [5220.1400, subp. 4](#) (emphasis added).

commissioner. The application must include several pieces of information that are necessary for the following reasons:

- Subpart 1, item C, subitems 1 and 3. The applicant must include the information in subpart 1, item C, subitems 1 and 3, so that DLI is able to contact the applicant or their firm, if necessary. It is reasonable to have this information in the application because DLI may have to contact the applicant about the application, the provision of rehabilitation services to injured workers, professional conduct, and other matters.
- Subpart 1, item C, subitem 2. The applicant must provide the applicant's social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, because this is required by Minnesota Statutes, section 270C.72, subdivision 4.
- Subpart 1, item C, subitems 4 and 5. A QRC intern is required to complete an introductory orientation training session put on by DLI, as well as all of DLI's rehabilitation provider update sessions. *See* part 5220.1410, subpart 3, items B and C. It is reasonable to have this information in the QRC application to make sure the requirement was followed. The applicant must note the dates that the applicant completed these sessions in its initial application for QRC registration so that DLI can check its records to confirm attendance.
- Subpart 1, item C, subitems 6. This subitem is reasonable and necessary so that injured workers, attorneys, and insurers know which QRC interns and QRCs speak languages other than English and are available for referral for QRC services. Asking applicants to include whether they speak languages other than English helps injured workers find a QRC with whom they can communicate with and potentially have greater cultural familiarity.
- Subpart 1, item C, subitem 7. The applicant's supervisor must submit documentation to verify that the applicant met the requirements for QRC interns in part 5220.1410, subpart 3. It is necessary for an intern to complete all requirements before becoming a QRC. It is reasonable to have the supervisor verify because the supervisor will know whether the QRC intern has complied due to their involvement in overseeing the intern's work.
- Subpart 1, item C, subitem 8. The certification/education requirement is necessary because it ensures that the applicant has the vocational rehabilitation education and skills necessary to provide rehabilitation services as a QRC. It is reasonable to require this as part of the QRC application in order for this item to be effective so that it shows that the applicant possesses the certification.
- Subpart 1, item C, subitem 9. Applicants must confirm that they reside in Minnesota or within 100 miles by road from the Minnesota border in order to show that they can provide services to injured workers in-person. Many rehabilitation services are provided in-person and almost all injured workers who receive statutory rehabilitation services reside in or near Minnesota. By requiring applicants to confirm that they reside in Minnesota or within 100 miles by road from the Minnesota border it ensures that they will be able to provide services to injured workers in-person as required in part 5220.0130, subp. 2, and attend administrative conferences, OAH hearings, and health care provider appointments as needed.²⁶ Currently, part 5220.1400, subpart 5, requires Minnesota residency for a QRC, or for an applicant to ask for an exception from the commissioner if within 100 miles of the Minnesota border. The proposed rule removes the request process.

²⁶ Under [Minn. R. part 5220.0130, subp. 2](#), the rehabilitation consultation "shall be held at a location not more than 50 miles from the employee's residence if the employee lives in Minnesota or within 50 miles of a Minnesota state border. If the employee lives beyond this distance, the qualified rehabilitation consultant may conduct the consultation by telephone."

- Subpart 1, item C, subitem 10. Minnesota Statutes section 176.102, subdivision 14, requires the imposition of fees to cover the costs of cost of approving and monitoring qualified rehabilitation consultants, consultant firms, and vendors of rehabilitation service. The change to the proposed fee of \$140 from the current fee of \$100 is necessary to reflect current costs of approving and monitoring individuals and entities providing rehabilitation services. As noted above, the specific fee is reasonable because it was calculated as part of fee updates for all rehabilitation registrations in consideration of the statutory requirements. There have been no updates to registration fees since 1989. In that time, the costs—primarily reflected in staffing costs—have risen.²⁷

Finally, subpart 1, item D, requires that the applicant attest that everything in the application must be true so that DLI can rely on the information in the application in determining whether to grant a QRC license. It is also reasonable to require this because injured workers need to be able to trust that their QRC is truthful and can complete tasks required for their services. If the applicant falsifies any information, then they may be subject to denial under subpart 2, item C or discipline under Minn. R. part 5220.1801, subp. 9.

Subp. 2. Approval or denial of initial application.

Subpart 2 lays out the procedures by which DLI processes an initial application for QRC registration.

Subpart 2, item A. This item sets a 60-day deadline for an application to be approved or denied. Most QRC applications are approved or denied within a week or two. However, more time may be needed to consider certain applications, particularly if there are factors that suggest the applicant may need to be denied under subpart 2, item C. The 60-day deadline is reasonable to give the applicant time to provide additional requested information and DLI enough time to thoroughly review an application and, if necessary, issue a written explanation stating why was an applicant was denied. The 60-day deadline is also reasonable so that an applicant does not have to wait indefinitely for the commissioner's decision.

Subpart 2, item B. The commissioner assigns a registration number in Campus to a QRC whose application is approved to identify the QRC in addition to using the QRC's name. Having a registration number is necessary if there are multiple QRC interns or QRCs with the same name and for situations when the QRC's information is not public under the Minnesota Government Data Practices Act.

Subpart 2, item C, lists the bases for denying an application. This is the same as the process described for a QRC intern application. It is reasonable and necessary to include the potential reasons for denying an application so that the applicant has a clear understanding of DLI's review process. Current rules in parts 5220.1400 and 5220.1500 include the language in subitem 2, but the proposed rules add the other subitems. Specifically, subitems 1 through 3 are included for the following reasons:

- Subpart 2, item C, subitem 1. The commissioner needs to be able to deny an application if the applicant has not met the requirements in part 5220.1410, subpart 1. As explained above, the requirements in subpart 1 are necessary for any applicant to ensure that the intern will provide necessary services to injured workers and to make sure that they keep their registration information accurate and correct. Additionally, the proposed rules specifically require this information and so an application without all the information included would be incomplete.
- Subpart 2, item C, subitem 2. It is necessary for the commissioner to have the authority to deny the application if the applicant has violated applicable law. This is reasonable because such violations could make the applicant unfit to provide services to injured workers.

²⁷ Exhibit 1 shows the calculation of the new fees. This is further explained in the Regulatory Analysis section below in Item E on the Probable costs of complying with the rule.

- Subpart 2, item C, subitem 3. It is necessary for the commissioner to be able to deny an application if the applicant has outstanding fines or penalties from DLI. Fines and penalties from DLI relate to violations of law, and it is reasonable to require that outstanding fines or penalties be resolved by the applicant. Although subitems 2 and 3 may not be applicable for most interns, they may be necessary if an intern is attempting to re-apply after their registration expires.

Subpart 2, item D, notes that QRC registration expires one year from the date the application is approved. It is reasonable for DLI to require QRCs to renew their registration annually to confirm the QRC's contact information, ensure that the QRC still meets the education/certification requirement, and review the QRC's record for any recent violations, fines, or penalties. This also matches the requirement in the current rules in Minn. R. part 5220.1500, subp. 3, which will be repealed under the proposed rules.²⁸

Subp. 3. Renewal of qualified rehabilitation consultant registration.

Subpart 3 contains the requirements to renew QRC registration. Much of the information is similar to the initial application when a QRC intern becomes a QRC.

First, item A requires that a QRC must be employed by a QRC firm. This is reasonable and necessary for the reasons described above in subpart 1, item A.

Item B, requires the applicant to file a complete renewal application for QRC registration with the commissioner. The application must include the information necessary for DLI to decide to approve or deny the application, including the information below.

- Subpart 3, item B, subitems 1 and 3. The applicant must include the information in subpart 1, item C, subitems 1 and 3, so that DLI is able to contact the applicant or their firm, if necessary. It is reasonable to have this information in the application because DLI may have to contact the applicant about the application, the provision of rehabilitation services to injured workers, professional conduct, and other matters.
- Subpart 3, item B, subitem 2. The applicant must provide the applicant's social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, because this is required by Minnesota Statutes, section 270C.72, subdivision 4.
- Subpart 3, item B, subitem 4. Applicants must affirm that they reside in Minnesota or within 100 miles by road from the Minnesota border in order to show that they can provide services to injured workers in-person. Many rehabilitation services are provided in-person and almost all injured workers who receive statutory rehabilitation services reside in or near Minnesota. This is for the same reasons as the information is required in the initial application under subpart 1, item C, subitem 9.
- Subpart 3, item B, subitem 4. This subitem is intended to ensure that the applicant has the education and skills necessary to provide rehabilitation services as a QRC. In order to maintain certification as a CRC or CDMS, a person must complete continuing education requirements. So, by providing evidence of current certification as a CRC or CDMS, the applicant also shows that the applicant is staying up to date on issues related to the provision of rehabilitation services. This subitem is reasonable because it confirms that all applicants meet the continuing education requirements for a CRC or CDMS, which ensures that QRCs are updated on skills that will support their work as a QRC.
- Subpart 3, item B, subitem 6. Minnesota Statutes section 176.102, subdivision 14,

²⁸ The entire QRC registration and renewal process is currently found in [Minn. R. part 5220.1500, subp. 3](#).

requires the imposition of fees to cover the costs of cost of approving and monitoring qualified rehabilitation consultants, consultant firms, and vendors of rehabilitation service. The change to the proposed fee of \$140 from the current fee of \$100 is necessary to reflect current costs of approving and monitoring individuals and entities providing rehabilitation services. As noted above, the specific fee is reasonable because it was calculated as part of fee updates for all rehabilitation registrations in consideration of the statutory requirements. There have been no updates to registration fees since 1989. In that time, the costs—primarily reflected in staffing costs—have risen.²⁹

Next, subpart 3, item C, is a grandfather clause to match the requirements in the current rule in part 5220.1400, subpart 2, which is repealed under the proposed rules.³⁰ There are some QRCs who have a certification (for example, as an occupational therapist registered (O.T.R.) or certified rehabilitation registered nurse (CRRN)) that existed under a previous version of the rehabilitation rules. Based on the number of years these QRCs have since worked as a QRC since the change in certification requirements, there is no evidence that these QRCs lack the education and skills necessary to provide rehabilitation services. Therefore, it is not necessary for DLI to require these QRCs, many of whom have been providing rehabilitation services for decades, to get an additional certification.

Subpart 3, item D requires a QRC to submit documentation to DLI to show that they have completed the most recent rehabilitation provider update session. Update sessions are usually held every two years.³¹ A QRC who renews registration every year will attend or review a recording of the latest update session so they are current on the application of the law and best practices. It is reasonable to require that this is included in the application so that DLI can check its records to confirm the QRC's attendance.

Subpart 3, item E requires that a QRC not provide any rehabilitation services to injured workers if their registration is expired or their application is under review. This is necessary to make sure that a QRC is actively registered if they are providing services to an injured worker. It is reasonable to have this requirement because an unregistered individual is not attesting that they meet the requirements to provide QRC services.

Subpart 3, item F is necessary to make sure that everything in the application is true so that DLI can rely on the information in the application to determine if the QRC's license should be renewed. Additionally, as noted previously injured workers need to be able to trust that their QRC is truthful and can complete tasks required for their services. If the applicant falsifies any information, then they are subject to denial under subpart 2, item C or discipline under Minn. R. part 5220.1801, subp. 9.

Subp. 4 Gap in qualified rehabilitation consultant registration.

This subpart is necessary to offer further description of the timing of the application. First, the subpart reminds that DLI has 60 days to determine application status. Therefore, an applicant that wants to ensure there is no gap in registration must submit their renewal application at least 60 days before their current registration expires. Additionally, this subpart helps replace the language found in current rule in part 5220.1500, subpart 4, item E, on inactive status, which states that, "if the applicant has been on inactive status or has failed to renew registration for more than two years, the applicant must also complete an orientation training session before acceptance is final." The proposed rule changes this to 12

²⁹ Exhibit 1 shows the calculation of the new fees. This is further explained in the Regulatory Analysis section below in Item E on the Probable costs of complying with the rule.

³⁰ [Minnesota Rules, part 5220.1400, subp. 2](#), states in part that, "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." Items A and B are the CRC or CDMS certification.

³¹ Videos and copies of PowerPoint presentations are posted on DLI's website under WC Training For Rehabilitation Providers at www.dli.mn.gov/business/workers-compensation/wc-training-rehabilitation-providers.

months; this is reasonable and necessary because based on DLI's experience two years is too long for QRCs to be inactive. If a QRC is inactive, it can affect the services they provide to injured workers (due to using outdated information) and/or could place injured workers at risk of a professional conduct issue. For example, recent workers' compensation changes that directly impact QRCs include updates from case law, data security of e-mails containing private injured worker information, and the requirements for filing all R-forms in the Campus system.

Subp. 5 Approval or denial of renewal application.

Item A mirrors language for QRC intern applications and initial QRC applications by setting a 60-day deadline for an application to be approved or denied. Most QRC applications are approved or denied within a week or two from receiving the application, required documents, and payment. However, more time may be needed to consider certain applications, particularly if there are factors that suggest the applicant may need to be denied under subpart 2, item C. The 60-day deadline is reasonable to give DLI enough time to thoroughly review an application and, if necessary, issue a written explanation stating why was an applicant was denied. The 60-day deadline is also reasonable so that an applicant does not have to wait indefinitely for the commissioner's decision.

Item B discusses the grounds for denial of an application. This is the same as for QRC interns and for the initial QRC application under subpart 2, item C as described above. This is the same as the process described for a QRC intern application.

Item C, subitems 1 and 2, describes how a former qualified rehabilitation consultant can file a renewal application following a period of time post final denial. In the current rules in part 5220.1500, subp. 3, there are no indications, one way or the other, if another application can be filed. Therefore, DLI determined it was necessary to include additional information on the reapplication process to ensure that applicants understand they are not prohibited from reapplying. There are two circumstances when the former QRC can reapply:

- If they have entered into a stipulated agreement regarding any violations that were the basis of a denial of their renewal application and the agreement allows the QRC to reapply for their license; and
- If six months have passed since the denial became final, and the new application shows what the applicant has done or will do to ensure that the applicant complies with workers' compensation laws and rules.

This item is reasonable because the individual is not prohibited from applying for registration. Rather, it is setting realistic requirements in rule that inform the applicant of exactly how they can fix or resolve the issues that caused their prior application to be denied. By doing so, it makes it more likely that the applicant will have their subsequent application approved.

Item D is necessary to provide a timeline of a registrant's expiration so that there is consistency in application of the rule and the expiration is not left to individual discretion. For example, if a QRC's registration was set to expire on December 31, 2023, then regardless of approval they would maintain that day going forward. This is reasonable because it is often easier for a QRC to have a fixed date to update their information. In comparison, an individual who was not registered on the date that their application received is essentially re-registering instead of renewing. So, their expiration date would be tied to the approval of their application.

Subp. 6 Appeal process for denials.

Items A through D lay out an appeal process that is the same as the process for a denied QRC intern application. As noted above, the current rules outline an appeal process for denial of a QRC registration application or renewal in part 5220.1500, subp. 2. Because that part is being repealed in the proposed rules, language outlining the appeal process is included in each individual rehabilitation

provider part, including here for QRC intern applicants. The applicant must file a written request for hearing so that there is documentation that the applicant wants to contest the commissioner's order. The request must be filed within 30 days of service of the order denying the application so that the appeal can be resolved in a timely matter.

By statute, the rehabilitation review panel initiates the hearing under the contested case procedures of chapter 14 and makes a determination regarding the commissioner's order denying the application.³² It is reasonable and necessary to include a description of the appeal process in the rules to outline due process and ensure that applicants are aware of this process if their application is denied. Item D notes that a timely request for hearing will stay the effect of the denial. It is reasonable to include this item because if there is no final order then it does not assume that the denial is effective.

5220.1610 QUALIFIED REHABILITATION CONSULTANT FIRMS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION

Subp. 1. Requirements for qualified rehabilitation consultant firms

Item A, subitem 1, reflects current ownership of all QRC firms in Minnesota. Almost all QRC firms are owned solely or in conjunction with other QRCs in the firm.

Item A, subitem 2, is consistent with the Minnesota Secretary of State's office requirement that almost all businesses must be registered with the Office of the Minnesota Secretary of State, and file annual renewals to maintain active status as required under Minn. Stat. Chapter 5.

Item B lays out a requirement that exists in the current rule in part 5220.1600, subp. 1, which will be repealed under the proposed rules.³³ Because item A states that if a QRC firm is owned by an individual then that individual must be a QRC, item B has been reworded to explicitly apply only when a QRC firm is owned by an entity and not an individual. The requirement that a QRC firm must have at least one employee who is a registered QRC as part of management staff has been moved to 5220.1610 so that all requirements for a QRC firm are in the same section.

Item C explicitly states that a QRC firm must maintain workers' compensation insurance if required by Minnesota Statutes, chapter 176. This is necessary because while it is always an expectation that QRC firms have workers' compensation insurance if required to do so under Minnesota Statutes §§ 176.021 and 176.041, there have been circumstances where QRC firms were unaware of this obligation. Since it is not in current rule, DLI determined it was reasonable to add to the proposed rules so that the public is aware of the requirement.

Item D reflects the requirement currently in part 5220.1400, subp. 5, for a QRC to live within 100 miles of the Minnesota border. The proposed rule applies the same requirements to firms as individual QRCs. As noted above, many rehabilitation services are provided in-person and almost all injured workers who receive statutory rehabilitation services reside in or near Minnesota. Therefore, having firms in the geographic area helps ensure that their QRCs will be able to provide services to injured workers in-person as required in part 5220.0130, subp. 2. This requirement is also necessary because it has been the Department's experience that QRC firms outside of 100 miles of the MN border have been less willing to participate and/or cooperate in professional conduct meetings citing time and distance as their reason. The Department's goal is to resolve all issues so that effective services are provided to injured workers and so QRC firms are not subject to discipline under part 5220.1806.

Item E reflects the requirements above that a QRC intern and QRC must be employed by a firm. A firm cannot be responsible for services related to a file for an outside QRC intern or QRC. It is reasonable to tie firm services to the QRC because under part 5220.1801, subp. 2, only the assigned QRC (or a QRC designated by the QRC in an advisory capacity) can be involved in the employee's rehab

³² See [Minn. Stat. § 176.102, subd. 3.](#)

³³ [Minn. R. part 5220.1600, subp. 1.](#)

plan.³⁴ Furthermore, this prohibits the QRC or job placement staff from one QRC firm from, for example, providing job placement services for another firm.

Item F is reasonable and necessary for the firm to ensure that its employees are meeting the requirements described above for all QRCs and QRC interns must attend mandatory provider training sessions. It also mirrors the requirement in the current rule in part 5220.1700, subp. 1a in which a vendor must send at least one person from their placement firm for mandatory provider update sessions. In this case, the language is included here so that the requirement also applies to employees of the QRC firm rather than a vendor. This also expands the requirement beyond QRC interns and QRCs. This is reasonable because all rehabilitation provider staff providing services to injured workers, including job placement/job development services, should receive updated training as it is offered by DLI to enhance services they provide to injured workers. It is also reasonable to have the firm ensure attendance—particularly for employees who are not individually registered, such as job placement specialists or vocational evaluators, but provide services.

Item G is reasonable and necessary because all new QRC firm staff providing services to injured workers (including job search, vocational evaluators) must participate in orientation training. Orientation training offers new employees an opportunity to gain a better understanding of the rules and best practices to enhance their services to injured workers. It is reasonable for a firm to ensure that new employees are completing the requirements—particularly if they are not registered with DLI separately as an intern.

Item H is a reminder about the firm's responsibility to retain a rehabilitation file for five years after the file has been closed as required by part 5220.1803.³⁵ The proposed rule cross-references the requirement in this section. It is reasonable and necessary to include this language so that all QRC firm requirements can be found in this section.

Item I is reasonable and necessary that DLI can maintain up-to-date information on all QRC firms. The requirement to include updates on employees providing rehab services is in current rule in part 5220.1600, subp. 1, which will be repealed in the proposed rules.³⁶ It is necessary to include specific information on the employees so that the Department can keep this information updated on its QRC lists.

Subp. 2 Staffing Requirements.

The requirements in items A and B are familiar to the rehabilitation provider community because the exact language is in current rule in part 5220.1600, subp. 1, which will be repealed in the proposed rules.³⁷ The 60% requirement has been successful in making sure the number of QRCs available for injured workers is maintained. Therefore, it is necessary to include these requirements elsewhere in the rules, and DLI has included the language in part 5220.1601 because this is specific to QRC firms. These items are reasonable and necessary for the following reasons:

Subp. 2, item A. It is reasonable and necessary for the majority of QRC firm staff to consist of interns or QRCs. Because only an assigned intern or QRC can be involved in a rehabilitation plan most rehabilitation services are provided by interns and QRCs. The main goal of rehabilitation services is to help an injured worker get back to gainful employment. The individuals most responsible for ensuring that goal is met should be the majority of a firm's staff. The Department recognizes that a business needs other staff to function, and so it is reasonable to not require all staff to be an intern or QRC. For clarity, the rule specifies the type of work that may be completed by non-QRCs and non-interns.

Subp. 2, item B. As noted in item A, DLI recognizes that others can provide some rehab services

³⁴ There are limited exceptions which are accounted for in the rules. See [part 5220.1801, subp. 2](#).

³⁵ This requirement is part of the responsibilities outlined in [part 5220.1803, subp. 5](#).

³⁶ Each office of the qualified rehabilitation consultant firm that provides services to injured employees under Minnesota Statutes, chapter 176, shall be listed on the application described in subpart 2.

³⁷ Current language can be found in [Minn. R. part 5220.1600, subp. 1](#).

without being an intern or QRC, if they are properly supervised. This item describes what services can be provided and the parameters under which they may be provided. It is reasonable and necessary to clearly outline when and what non-interns and QRCs can perform so that a firm understands the requirements and an injured worker also knows when they may not receive certain services directly from their assigned QRC.

Subp. 3 Qualified rehabilitation consultant firm registration.

Item A discusses the requirements for a QRC consultant firm application. The information included in the application is necessary for DLI to approve an entity as a QRC firm. It includes contact information for firm ownership, employee information, and confirmation of meeting requirements in subparts 1 and 2. The information is reasonable and necessary because DLI has to make sure that an applicant is showing that it meets the requirements to be registered as an active QRC firm. The specific subitems are reasonable and necessary for the following reasons:

Item A, subitem 1. The requirement to include the name and business ID is reasonable and necessary because the applicant must provide the applicant's social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, as required by Minn. Stat. § 270C.72, subdivision 4. This helps DLI confirm the applicant is complying with Minnesota law for licensees.

Item A, subitem 2. The requirement to list all business addresses is necessary so that DLI has all addresses available in case there is a need to contact the firm. It is reasonable to require this information because DLI may have to contact the firm about matters such as the provision of rehabilitation services to injured workers and professional conduct of employees or the firm.

Item A, subitems 3 and 4 require listing firm ownership information. This is necessary so that DLI has contact information for communications related to firm activities. It is reasonable to have a known contact point at a QRC firm so that DLI can confirm that the right individual is receiving communications.

Item A, subitem 5. It is reasonable and necessary to have staff and QRC information on the application so that DLI can confirm that the QRC firm is meeting the requirements outlined in subpart 2 regarding QRC firm staffing. It is reasonable to include this information in the application because without it DLI could not enforce the rules in that subpart.

Item A, subitem 6. It is necessary for the QRC firm to confirm the completion of the rehabilitation provider update session so that DLI can confirm that the firm meets the requirement in subpart 1, item F. It is reasonable to include this information in the application because without it DLI could not enforce the rules in that subpart.

Item A, subitem 7. It is necessary to include workers' compensation insurance requirements in the registration application to comply with subpart 1, item C.

Item A, subitem 8. It is necessary for the QRC firm to confirm that one office meets the geographic location requirements 1, item D. It is reasonable to include this information in the application because without it DLI could not enforce the rules in that subpart.

Item A, subitem 9. Subitem 9 lists the registration fee for a QRC firm. The current rule in part 5220.1600, subp. 2, item C indicates that the annual registration fee for a QRC firm is \$200. Minnesota Statutes section 176.102, subdivision 14, requires the imposition of fees to cover the costs of cost of approving and monitoring qualified rehabilitation consultants, consultant firms, and vendors of rehabilitation service.³⁸ The change to the proposed fee of \$280 from the current fee of \$200 is necessary

³⁸ Exhibit 1 shows the calculation of the new fees. This is further explained in the Regulatory Analysis section below in Item E on the Probable costs of complying with the rule.

to reflect current costs of approving and monitoring individuals and entities providing rehabilitation services. As noted above, the specific fee is reasonable because it was calculated as part of fee updates for all rehabilitation registrations in consideration of the statutory requirements. There have been no updates to registration fees since 1989. In that time, the costs—primarily reflected in staffing costs—have risen. In deciding the fees for interns, QRCs, firms, and vendors, DLI kept the firm and vendor fees at twice the individual fees. This is reasonable because rehabilitation providers may charge for their services has increased through the years while the firm registration fee has remained static. With the updated fee structure, the Department will be able to perform its statutory duties while the fee remains affordable for providers to continue to provide services to injured workers.³⁹

Item B is necessary to offer further description of the timing of the QRC firm application. First, the subpart reminds that DLI has 60 days to determine application status. Therefore, an applicant that wants to ensure there is no gap in registration must submit their renewal application at least 60 days before their current registration expires. This is the same time requirement as under current rule.⁴⁰ It is reasonable to include in the rules here as a reminder of the timing for renewing a firm application.

Item C requires that a QRC firm not provide any rehabilitation services to injured workers if their registration is expired or under review for approval or denial. This is necessary to make sure that a QRC firm is actively registered if they are providing services to an injured worker. It is reasonable to have this requirement because an unregistered firm is not attesting that they meet the requirements to provide QRC services.

Item D is reasonable and necessary to make sure that everything in the application is true so that DLI can rely on the information in the application to determine if the QRC firm's license should be renewed. Additionally, as noted previously, injured workers need to be able to trust that the firm that is providing services is truthful. If the applicant falsifies any information then they may be subject to denial. This also replaces current language in part 5220.1600, subp. 2, item A, that requires the firm to submit a notarized application. Attesting that everything on the application is true saves rehabilitation providers time, effort, and expense. Additionally, this conforms with the Campus system which requires the applicant to attest the information is true.

Item E is necessary to clarify that registration is required to be renewed on an annual basis. It is reasonable to require annual renewal to ensure that a firm is maintaining the requirements necessary under the rules.

Subp. 4. Approval or denial of application.

Subpart 4 lays out the procedures by which DLI processes an application for QRC firm registration. The approval and denial process for a QRC firm is similar to that of a QRC.

Item A mirrors language for QRC intern and QRC applications by setting a 60-day deadline for an application to be approved or denied. Most QRC firm applications are approved or denied within a week or two. However, more time may be needed to consider certain applications, particularly if there are factors that suggest the applicant may need to be denied under subpart 2, item C. The 60-day deadline is reasonable and necessary in order to give DLI enough time to thoroughly review an application and, if necessary, issue a written explanation stating why was an applicant was denied. The 60-day deadline is also reasonable so that an applicant does not have to wait indefinitely for the commissioner's decision.

³⁹ The Department included the updated registration fee calculations in the January 5, 2023 rule, and the numbers have not change in all subsequent drafts after that. There have been no comments or concerns raised about the new fees at this time. Stakeholders previously expressed that they did not object to fee updates.

⁴⁰ The same language is included in the proposed rules in part 5220.1510. As explained above, the organization of the proposed rules is an effort to remove cross-references to create standalone rules for each individual or entity subject to registration requirements to follow.

Item A, subitems 1-3 list the grounds for denial of an application. This is the same as for QRC intern and QRC applications as described above.

Item B requires the Commissioner to assign a registration number to a QRC firm. As with a QRC intern or QRC, assigning a registration number is necessary for when for when a firm's information must be used and is not public. It is reasonable to assign a registration number only to a firm that has been approved.

Item C is necessary to provide a timeline of a registrant's expiration so that there is consistency in application of the rule and the expiration is not left to individual discretion. For example, if a firm's registration was set to expire on December 31, 2023, then regardless of approval they would maintain that day going forward. This is reasonable because it is often easier for a QRC firm to have a fixed date to update their information. In comparison, a firm that was not registered on the date that their application received is essentially re-registering instead of renewing. So, their expiration date would be tied to the approval of their application. A moving expiration date would cause confusion both on part of the rehabilitation provider and the Department. Furthermore, it is a common practice for QRC firm owners to tie their individual QRC registration expiration to the QRC firm expiration date so that only one payment is made rather than having to remember two different payment dates.

Subp. 5. Appeal process for denials.

Subpart 5 provides the same appeals process as in the proposed language in parts 5220.1410 and 5220.1510 for QRC interns and QRCs. The process is needed and reasonable for the reasons described for QRC interns and QRCs, namely to show that due process requirements are met and to include the statutory references in the rules. Items A-D are written to apply this process to a QRC firm and are included in this part so that all rules that apply to a QRC firm are in one section.

Subp. 6. Retention and transfer of rehabilitation plans.

This subpart requires that the owner or manager of an expired QRC firm transfer active rehabilitation plans to a new QRC or QRC firm as required under part 5220.1802, subp. 4a of the rules.⁴¹ This part is necessary so that there is a provision to account for the handling of active QRC files in which injured workers still require rehabilitation services but the QRC firm can no longer provide services. It was determined that the current QRC firm or management staff is best suited, knowing the laws, rules and regulations to see that the rehabilitation files are correctly transferred to other rehabilitation providers to minimize disruption of the rehabilitation plan. Additionally, firm or management staff will be the best resource to answer any questions the new provider may have about the client and plan. This is reasonable because it is already required in the rules when there is a change of QRC or QRC firm, and a QRC has an ethical obligation to make sure that an injured worker is still able to obtain rehab services if necessary.

5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

Subpart 1. Requirements for rehabilitation vendors.

Item A, subitems 1 and 2, apply to ownership of all rehabilitation vendors in Minnesota.

There are currently 15 rehabilitation vendors in Minnesota. Vendors can be either owned by an individual responsible for the requirements of this section, or under item A, subitem 2, an entity that is registered with the Minnesota Secretary of State's office. It is a requirement that all businesses not identified by the owner's name are registered with the Office of the Minnesota Secretary of State, and file annual renewals to maintain active status as required under Chapter 5 of Minnesota Statutes.

Item B explicitly states that a rehab vendor must maintain workers' compensation insurance if

⁴¹ [Minnesota Rules, part 5220.1802, subp. 4a](#) requires transferring all data, required rehabilitation reports, progress records, and incurred rehabilitation cost information when there is a change of the assigned QRC or firm.

required by Minnesota Statutes, chapter 176. This is necessary because while it is always an expectation that vendors have workers' compensation insurance if required to do so, there have been circumstances where vendors were unaware of this obligation. Since it is not in current rule, DLI determined it was reasonable to add to the proposed rules to make sure that the workers' compensation insurance requirements are the same for rehabilitation provider firms and vendors in the rules.

Item C is similar to the requirements above for QRC firms that apply the requirement currently in part 5220.1400, subp. 5, for a QRC to live within 100 miles of the Minnesota border, to Minnesota rehabilitation vendors. The proposed rule applies the same requirements to vendors as individual QRCs and QRC firms. As noted above, many rehabilitation services are provided in-person and almost all injured workers who receive statutory rehabilitation services reside in or near Minnesota. Therefore, having vendors in the geographic area helps ensure that services to injured workers can be provided in-person as required in part 5220.0130, subp. 2. This requirement is also necessary because it has been the Department's experience that vendors outside of 100 miles of the MN border have been less willing to participate and/or cooperate in professional conduct meetings citing time and distance as their reason. The Department's goal is to resolve all issues so that effective services are provided to injured workers and so vendors are in compliance for purposes of part 5220.1806.

Item D reflects the requirements in part 5220.1806, subp. 4, regarding cooperation with DLI investigations.⁴² It is reasonable and necessary to include the requirements in this section so that a vendor can see all requirements in one place. Additionally, it is reasonable to require a rehabilitation provider to cooperate with an investigation by the licensing authority so that the agency to conduct an accurate investigation.

Items E and F are necessary to include important distinctions from current rule that describe the scope and services a vendor may offer in the section of the rules that are applicable to vendors. Item E is currently in part 5220.1250. A vendor's role is to supplement services under a rehab plan, and so this language is included in this section. For Item F, as noted above, the QRC intern or QRC assigned to the rehab plan is responsible for all rehab services. Therefore, if a vendor is providing services, then it is necessary that they coordinate with the assigned QRC. These requirements in the vendor section are designed with a plain language approach so stakeholders can easily know what the requirements are to register and work as a vendor.

Item G is necessary for the vendor to ensure that its employees receive the same training and are up to date on the same laws, rules, procedures, and information as required for QRC interns and QRCs. It also reflects the requirement in the current rule in part 5220.1700, subp. 1a, in which a vendor must send at least one person to mandatory provider update sessions. In this case, the language is included here so that the requirement also applies to all employees of the vendor. This is reasonable because all rehabilitation provider staff providing services to injured workers should receive updated training to enhance services they provide to injured workers. It is also reasonable because having vendor staff participate in training offered to qualified rehabilitation consultants will not only help them understand what is required of QRCs to facilitate a return to work for injured workers but will also help staff enhance their own skills as well in their firm's effort to facilitate a return to work for injured workers. It is also reasonable to have the vendor ensure attendance—particularly for employees who are not individually registered with DLI but may provide some of the same services.

Item H is necessary because all new vendor staff providing services to injured workers must participate in orientation training. Orientation training offers new employees an opportunity to gain a

⁴² [Minnesota Rules part 5220.1806, subp. 4](#). Cooperation under part 1806, subp. 4 includes: “responding fully and promptly to any questions raised by the commissioner relating to the subject of the investigation, and providing copies of records, reports, logs, data, and cost information requested by the commissioner to assist in the investigation.” Cooperation also includes “attending, in person, a meeting scheduled by the commissioner” to discuss a complaint.

better understanding of the rules and best practices to enhancement their services to injured workers. It is reasonable for a vendor to ensure that new employees who will be providing services to injured workers are completing the requirements.

Item I is necessary because there is no current provision in Minnesota rules on what should happen to vendor files when they are closed. However, vendors have traditionally followed the QRC and QRC firm rule of maintaining or storing their closed files for a period of five years before destroying them. Furthermore, the number of vendor firms has declined over the years with the vendor's placement files having nowhere to go and no clear requirements for the vendor's responsibility to maintain the files. Because QRCs and QRC firms are required to maintain the rehabilitation files, it is reasonable for the rules to require both sets of files to be maintained at the same location as the best practice.

Item J requires that the vendor keep the Department informed of changes to information previously provided as part of their registration application. This is an extension of the current requirement in part 5220.1700, subp. 1, which indicates that the vendor must notify the Department of any change in the firm address, telephone number, or contact person. It is reasonable and necessary to require those providing services to provide such updates because it ensures that individuals providing these services are invited to attend training sessions, receive Department notices regarding application of rehab laws and rules, and can be contacted directly when questions might arise and/or a complaint is made by a stakeholder.

Item K reflects requirements in part 5220.1250. The proposed rule includes this requirement with the vendor section as a reminder to the vendor not to employ a QRC or provide QRC services other than identified in those identified as appropriate for a vendor in these rules. This is a key distinction set forth in the rules and DLI determined it was necessary and reasonable to include in this section of the proposed rules so that all vendor requirements are in the section applicable to vendors.

Subp. 2. Rehabilitation vendor registration

Item A discusses the requirements for a vendor application. The information included in the application is necessary for DLI to approve an entity as a rehabilitation vendor. It includes contact information for ownership, employee information, and confirmation of meeting requirements in subpart 1. The information is reasonable and necessary because DLI has to make sure that an applicant is showing that it meets the requirements to be registered as an active rehabilitation vendor. The specific subitems are reasonable and necessary for the following reasons:

Item A, subitem 1. The requirement to list all business addresses is necessary so that DLI has all vendor business addresses available in case there is a need to contact the vendor. It is reasonable to require this information because DLI may have to contact the vendor about matters such as the provision of rehabilitation services to injured workers and professional conduct of employees or the vendor.

Item A, subitem 2. The requirement to include the name and business ID is necessary because the applicant must provide the applicant's social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, as required by Minnesota Statutes, §270C.72, subdivision 4. This helps DLI confirm the applicant is complying with Minnesota law for licensees.

Item A, subitems 3 and 4, require listing vendor ownership information. This is necessary so that DLI has contact information so that DLI knows the individual to contact in communications related to vendor activities. It is reasonable to have a known contact point at a rehab vendor so that DLI can confirm that the right individual is receiving those communications.

Item A, subitem 5. It is necessary to have employee information on the application so that DLI can confirm that the vendor is meeting the requirements outlined in subpart 1. It is reasonable to include this information in the application because without it DLI could not enforce the rules in that subpart.

Item A, subitem 6. It is necessary for the rehab vendor to confirm the completion of the rehabilitation provider update session so that DLI can confirm that the vendor continues to meet the requirements in subpart 1, item G. It is reasonable to include this information in the application because without it DLI could not enforce the rules in that subpart.

Item A, subitem 7. Most vendors in Minnesota are managed by the owner due to their being a one-person operation. However, when the vendor is owned by an entity such as a corporation, the CEO is not necessarily the appropriate contact for the placement services being provided. Therefore, it is important to know who the designated manager is providing placement and other services on behalf of injured workers. This is particularly necessary for annual applications for renewal or if there is a professional conduct issue.

Item A, subitem 8. Proof of workers' compensation insurance has been a standard requirement on vendor initial and renewal applications as every employer is liable for compensation, except as exclusions might apply. This is reasonable and necessary for the same reasons as the requirement is needed for QRC firms under part 5220.1610, subp. 1, item C of the proposed rules.

Item A, subitem 9. It is necessary for the vendor to confirm that one office meets the geographic location requirements in subpart 1, item C. It is reasonable to include this information in the application because without it DLI could not enforce the rules in that subpart.

Item A, subitem 10. Subitem 10 lists the registration fee for a QRC vendor. The current rule in part 5220.1600, subp. 2, item C, indicates that the annual registration fee for a QRC vendor is \$200. Minnesota Statutes section 176.102, subdivision 14, requires the imposition of fees to cover the costs of cost of approving and monitoring qualified rehabilitation consultants, consultant firms, and vendors of rehabilitation service. The change to the proposed fee of \$280 from the current fee of \$200 is necessary to reflect current costs of approving and monitoring individuals and entities providing rehabilitation services and is made for the same reasons as outlined above. With the updated fee structure, the Department will be able to perform its statutory duties while the fee remains affordable for providers to continue to provide services to injured workers.⁴³

Item B is necessary to offer further description of the timing of the rehab vendor application. First, the subpart reminds that DLI has 60 days to determine application status. Therefore, an applicant that wants to ensure there is no gap in registration must submit their renewal application at least 60 days before their current registration expires. This is the same time requirement as under current rule and in the proposed rules for firms in part 5220.1610, subp. 3, item B.⁴⁴ It is reasonable to include in the rules here as a reminder of the timing for renewing a firm's application.

Item C requires that a vendor and its employees not provide any rehabilitation services to injured workers if their registration is expired or under review for approval or denial. This is necessary to make sure that a vendor is actively registered if they are providing services to an injured worker.

Item D is necessary to make sure that everything in the application is true so that DLI can rely on the information in the application to determine if the rehab vendor's license should be renewed. Additionally, as noted previously injured workers need to be able to trust that the firm that is providing services is truthful and is monitored by DLI. If the applicant falsifies any information, then they may be subject to denial. This also replaces current language in part 5220.1700, subp. 1, item A, that requires the vendor to submit a notarized application. Attesting that everything on the application is true saves rehabilitation providers time, effort, and expense. Additionally, this conforms with the Campus system

⁴³ Exhibit 1 shows the calculation of the new fees. This is further explained in the Regulatory Analysis section below in Item E on the Probable costs of complying with the rule.

⁴⁴ For QRC firms and vendors, the current rules cross-references part 5220.1500, subp. 3. As explained above, the organization of the proposed rules is an effort to remove some of these cross-references to create standalone rules for each individual or entity to follow.

which requires the applicant to attest the information is true.

Item E is necessary to clarify that registration is required to be renewed on an annual basis. It is reasonable to require annual renewal to ensure that a vendor is maintaining the requirements necessary under the rules.

Subp. 3. Approval or denial of application.

Subpart 3 lays out the procedures by which DLI processes an application for rehab vendor registration. The approval and denial process for a vendor is similar to that of a QRC or firm.

Item A mirrors language for QRCs and firms by setting a 60-day deadline for an application to be approved or denied. It is reasonable and necessary to use the same deadline language for vendors for the reasons outlined above and because it maintains consistency in the registration process.

Item A, subitems 1-3 list the grounds for denial of an application. This is the same as for QRC intern, QRC, and firm applications as described above.

Item B requires the Commissioner to assign a registration number to a rehab vendor. As with a QRC intern, QRC, and firm, assigning a registration number is necessary for when a vendor's information must be used and is not public. It is reasonable to assign a registration number only to a vendor that has been approved.

Item C is necessary to provide a timeline of a registrant's expiration so that there is consistency in application of the rule and the expiration is not left to individual discretion. For example, if a vendor's registration was set to expire on December 31, 2023, then regardless of approval they would maintain that day going forward. This is reasonable because it is often easier for a rehab vendor to have a fixed date to update their information. In comparison, a vendor that was not registered on the date that their application received is essentially re-registering instead of renewing. So, their expiration date would be tied to the approval of their application. A moving expiration date would cause confusion both on part of the vendor and the Department.

Subp. 4. Appeal process for denials.

Subpart 4 provides the same appeals process as in the proposed language in parts 5220.1410, 5220.1510, and 5220.1610 for QRC intern, QRC, and QRC firm applicants. Items A-D are written to apply this process to a QRC vendor.

5220.1750 VOCATIONAL REHABILITATION UNIT.

This language applies the current exemption from registration fees in part 5220.1500, subs. 1 and 3, for vocational rehabilitation unit employees to fees for orientation and update sessions. The VRU is a state-owned QRC firm. The bulk of the work performed by the VRU is as a "safety net" provider, mostly on cases of primary denial of liability. It is reasonable to exclude VRU employees from fees for training because while VRU demonstrates success in getting injured workers back to work, the compensation for services rendered is significantly reduced in comparison to the non-state, for-profit QRC firms. DLI has an interest in making sure its employees receive the same training opportunities and have the same understanding of rehab responsibilities as stakeholders. Additionally, any fees collected would simply go to another area of DLI's Workers' Compensation Division.

5220.1801 PROFESSIONAL CONDUCT.

Subpart 1. Prompt provision of service and assessment of progress.

There are two amendments to subpart 1: first, the word "registered" is deleted from the former term "registered rehabilitation vendor" to make this subpart consistent with the proposed amendment to the term in 5220.0100, subpart 25 described above. Second, the word "rehabilitation" is added to describe the services provided to maintain the consistency with the rest of the paragraph and because that term is

defined in 5220.0100, subp. 29. It is reasonable to update the term to clarify the types of services described.

Subp. 8. Separate roles and functions.

Subpart 8 is amended to remove the word “registered” from the former term “registered rehabilitation vendor,” which is redundant since the vendor must be registered in the first place, to make this subpart consistent with the proposed amendment to the term in 5220.0100, subpart 25 described above.

5220.1802 COMMUNICATIONS.

Subp. 4. ~~Registered~~ rehabilitation vendor reporting.

Subpart 4 is amended to delete the word “registered” from the former term “registered rehabilitation vendor” to make this subpart consistent with the proposed amendment to the term in 5220.0100, subpart 25 described above.

5220.1900 REHABILITATION SERVICES FEES AND COSTS

The proposed amendments in subp. 1e and subp. 7, deletes the word “registered” from the former term “registered rehabilitation vendor” to make this subpart consistent with the proposed amendment to the term in 5220.0100, subpart 25 described above.

Repealer

5220.1400 QUALIFYING CRITERIA FOR REHABILITATION CONSULTANT.

5220.1500 PROCEDURE FOR REGISTRATION AS QUALIFIED REHABILITATION CONSULTANT.

5220.1600 PROCEDURE FOR APPROVAL AS QUALIFIED REHABILITATION CONSULTANT FIRM

5220.1700 PROCEDURE FOR APPROVAL AS REGISTERED REHABILITATION VENDOR.

These entire rule parts are proposed to be repealed. DLI is rewriting the registration rules to update some provisions and to make the rules clearer for all stakeholders. Many of the provisions currently in parts 5220.1400, 5220.1500, 5220.1600, and 5220.1700 are incorporated in some way in proposed parts 5220.1410, 5220.1510, 5220.1610, and 5220.1710. The rule-by-rule analysis of the new sections explains why each provision is reasonable and necessary.

Regulatory Analysis

This part addresses the regulatory questions requirement in the SONAR under Minnesota Statutes, § 14.131 (a).

A. Description of the classes of persons who probably will be affected by the proposed rule, including classes that will bear the costs of the proposed rule and classes that will benefit from the proposed rule.

The proposed rules will primarily affect rehabilitation providers: qualified rehabilitation consultant interns (QRC interns), qualified rehabilitation consultants (QRCs), qualified rehabilitation consultant firms (QRC firms) and their employees, and rehabilitation vendors and their employees. There may also be less direct effects on insurers, injured workers, employers, and representatives of these people and entities. There may be a secondary benefit to the injured workers due to training enhancements of both QRC firm and vendor firm staff not previously required to participate in training. The rehabilitation

provider training should also benefit employers/insurers by reducing costs when injured workers must seek employment outside of their date of injury employer.

Sections 5220.1410, 5220.1510, 5220.1610, and 5220.1710 of the proposed rules set forth what is required of rehabilitation providers to be registered by the commissioner and to provide rehabilitation services to injured workers. One of the purposes of rewriting the registration rules was to streamline the registration process for rehabilitation providers. The Department believes the proposed rules are clearer than the current registration rules and requirements in chapter 5220 because the proposed rules individually lay out the requirements for QRC interns, QRCs, QRC firms, and rehabilitation vendors to be registered with DLI. Rehabilitation providers will benefit from having clearer rules. Injured workers will also benefit by having rehabilitation providers who have met the basic qualifications required by the rules and clearly know the requirements for each registration.

Rehabilitation providers may bear some costs as a result of the proposed rules. The proposed rules include some new requirements for rehabilitation providers, and also adjust registration fees. The probable costs are analyzed in detail under regulatory factor E below.

B. The probable costs to the agency and to any other agency of the implementation and enforcement of the proposed rule and any anticipated effect on state revenues.

DLI does not anticipate an increase in costs to DLI or any other agency for the implementation and enforcement of the proposed rules.

The primary reason DLI will not face any costs is that DLI already utilizes the Campus system to process new and renewal applications for rehabilitation provider registration. The only significant change that DLI will have to make to its system to implement the proposed rules will be to alter the applications to reflect any new requirements. This will be a one-time task and will not require any additional full-time employees. There are also no anticipated additional costs to DLI to enforce the proposed rules. Additionally, as Campus requires applicants to type their applications, it is easier for staff to review. The electronic process decreases DLI administrative staff time in processing and making determinations on applications.

No other agencies will face costs as a result of these proposed rules. Registration of rehabilitation providers does not implicate any other agencies as workers' compensation vocational rehabilitation is not provided by other agencies.⁴⁵

C. A determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

The main purposes of the proposed rules are to: clarify what is required to become a QRC intern, QRC, QRC firm, and rehabilitation vendor; streamline the registration process for these rehabilitation providers; and ensure that rehabilitation providers are competent to provide services. DLI has not identified any less costly or less intrusive methods for achieving the purposes of these rule amendments because the registration process is required to be outlined in rules and is currently included in chapter 5220. Therefore, DLI must revise the rules to incorporate any changes.

D. A description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule.

⁴⁵ The exception to this would be DLI's Vocational Rehabilitation Unit. However, the proposed rules exempt VRU QRCs from the fees in the amendments to part 5220.1750. As noted above, this is not a substantive change as VRU is exempt from registration fees under current rule.

One of the major issues in the drafting process was how to ensure that QRC interns attain at least a basic level of competency and what level of experience QRC interns needed based on their backgrounds.

The first draft of the rules presented to stakeholders kept the timelines for an internship as they are in current rules: a minimum of one year and a maximum of three years. Ultimately, this is the timeline that the proposed rules also include. However, during the drafting and outreach process DLI proposed different standards based on stakeholder feedback.

Specifically, initial feedback from MARP asked DLI to consider a shorter minimum internship length. MARP expressed concerns with a lower number of overall interns and QRCs in the profession, the ability to attract and retain individuals interested in working as QRCs, and a lack of diversity in the profession. The Department took those comments under advisement and presented a draft with updated timelines—a minimum internship length of six months and a maximum of 24 months, which like the current rule would be three times the minimum length.⁴⁶ After presenting this change, DLI received a number of comments from individuals expressing concern regarding the shorter minimum time for QRC interns. The Department brought the issue to RRP at its meeting on April 4, 2023, and RRP members also voiced concerns about the change. At the RRP's July 6, 2023, meeting, an open forum was held to allow stakeholders to comment on the proposed rules. The main feedback concerned the internship length, and ways to ensure that QRC interns have the vocational background to be successful in the profession. After the open forum, DLI amended the proposed rules to keep the internship timeline the same as current rules at this time and until further consideration and feedback from recent QRC interns and supervisors can be gathered to determine if any future changes are necessary. The RRP discussed this issue at the October 5, 2023, meeting, and ultimately voted to recommend the Commissioner move forward with the rule draft as proposed with the 12-month minimum and 36-month maximum timeline for QRC interns.

Another alternative method that DLI considered to help address QRC intern experience was to create more objective requirements for QRC interns. For example, an alternative draft stated that QRC interns must accumulate at least 1,000 billable hours of rehabilitation services as interns in order to apply as a QRC. The intended outcome was that QRC interns gain specific vocational rehabilitation experience so that they can produce capable work as a QRC while still having oversight from established and experienced professionals. Ultimately, DLI rejected this approach after additional outreach with the primary stakeholders affected by the change. Specifically, MARP and MASPPR suggested that replacing current requirements with billable hour requirements, as was included in the July 7, 2022 draft, would discourage firms from offering internships.⁴⁷ MARP noted that the specific requirements would be problematic for firms that do not offer job placement services—something that is becoming less common in the industry due to the large volume of injured workers returning to work with the date of injury employer or settling their claim. Stakeholders also indicated that a billable hour requirement would not address concerns of competency and experience. Because interns work on cases as they are available, not all experiences during an internship may be sufficient to meet a billable requirement. Keeping requirements to minimum case files and specific report examples allows for a QRC intern supervisor to be more flexible and adapt to the needs and experiences of the specific intern.

Another area where DLI seriously considered an alternative approach was the certification/education requirement for QRCs. An earlier draft of the proposed rules provided an additional option: a QRC without one of a CRC or CDMS certification could still be registered by the Commissioner if the QRC has a master's degree in vocational rehabilitation or rehabilitation counseling

⁴⁶ See Exhibit 2.

⁴⁷ See Exhibit 3.

from an accredited program and completes approved continuing education credits. Stakeholders expressed concern with how the certification changes would impact the profession. For instance, it was noted that the certifying boards play a key role in ethics and continuing education for the profession. Therefore, DLI ultimately determined to keep the requirement for CRC or CDMS certification in the rules without additional education options.

DLI also seriously considered whether to retain the option for QRC interns and QRCs to go on inactive status. Minnesota Rules part 5220.1500, subp. 4, describes how to move to inactive status and how to reinstate registration. DLI removed the category of “inactive status” in favor of a simpler approach. Under the proposed rules, QRC interns and QRCs are either registered to provide rehabilitation services or not, and the registration requirements are clear about whether an applicant has been registered as a QRC in the past. DLI chose the approach with fewer types of registration statuses because this will make the rules easier to navigate.

Another area of consideration involved the changes to the registration fees. DLI strongly considered the pros and cons of changing the registration fees. DLI first considered whether to keep the current fees. DLI determined that the statute requires fees sufficient to cover the cost of approving and monitoring registration, and that those costs have risen.⁴⁸ The primary costs to approve and monitor registration relate to staff time, and staffing costs are greater than they were when the current fees were set. DLI considered a suggestion from a stakeholder in the request for comments to introduce a sliding scale of registration fees that would allow for costs to differ based on firm or vendor size. While DLI appreciated the suggestion, it was ultimately determined that the statute does not specifically account for a sliding scale, and that there is no distinction in the registration approval and monitoring process based on firm size. Therefore, DLI determined updated fees—based on current registration and the staffing costs for the process—that meet the statutory requirement.

Finally, DLI considered requiring QRC firms and rehabilitation providers to maintain professional liability insurance. DLI did not include this obligation in the proposed rules because deciding whether to carry professional liability insurance is more of a business decision that QRC firms and rehabilitation providers should be able to make.

With respect to other provisions in the proposed rules, DLI did not seriously consider alternative methods. However, DLI reviewed comments submitted on multiple drafts, considered input from RRP members, and made countless revisions to language during the drafting process in order to make sure that all of the proposed rules are necessary and reasonable. The rule-by-rule analysis in this SONAR provides a detailed explanation of each proposed rule subpart.

E. The probable costs of complying with the proposed rule, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals.

QRC interns, QRCs, QRC firms and their employees, and rehabilitation vendors and their employees will bear the costs of complying with the proposed rules because they are the parties regulated by the rules.

Each rehabilitation provider must pay a fee as part of its application to be registered with the commissioner. The registration fees are necessary to cover the costs of processing the registration applications and ensuring that the registered parties comply with the statutes and rules on vocational rehabilitation. Rehabilitation providers pay registration fees under the current rules, but the fees have been

⁴⁸ [Minn. Stat. § 176.102, subd. 14.](#)

the same since 1989.⁴⁹ Under the proposed rules, the fees would increase to account for the increased costs related to the registration process. The fee for QRC intern registration will be \$140.00. This will be a one-time fee so long as the QRC intern completes the internship within 36 months of registration. The fee for QRC registration will also be \$140.00, though QRCs are required to renew their registration annually. The annual fee for QRC firm or vendor registration will be \$280.00 dollars.

The certification/education requirement is another part of the proposed rules that has significant compliance costs. QRC interns will have to pay to obtain certification as a Certified Rehabilitation Counselor (CRC) or a Certified Disability Management Specialist (CDMS). QRCs will have to pay to maintain certification as a CRC or CDMS. A CDMS certificate test currently costs \$420.00, and a renewal is \$275.00. A CRC test is \$410.00, and a renewal is \$405.00. Both CRC and CDMS require holders to obtain continuing education credits every five years. The costs of obtaining and maintaining certification as a CRC or CDMS are not new, as this is required under the current rules in Minn. R. part 5220.1400, subp. 2. Regardless of the option a person chooses, the costs associated with the certification requirement are justified because the certification requirement ensures that a QRC has the education and skills necessary to provide rehabilitation services to injured workers.

In complying with the proposed rules, rehabilitation providers may also face smaller, indirect costs. QRC interns, QRCs, and representatives of QRC firms and rehabilitation vendors will have to spend time completing registration applications. DLI has attempted to make the process as simple as possible through the electronic application and renewal process offered through Campus, including the elimination of obtaining notarization of applications. The proposed rules only require applicants to provide the information that DLI needs to track rehabilitation providers and determine that they are competent to provide services to injured workers. Therefore, the costs in money or time of completing registration applications will be minimal.

Next, the rules require QRC interns, QRCs, and employees of QRC firms and rehabilitation vendors who provide services to injured workers to attend DLI's orientation session and rehabilitation provider update sessions. As a result, these individuals or their employers will have to pay costs for the training, including potential travel costs.⁵⁰ While attendance at training sessions is a part of the current rules for many providers, and there should not be additional costs associated with these requirements, the proposed rules may expand the employees that are required to attend the training sessions and could lead to additional costs. However, for those that need CEU credits, DLI offers credits for these sessions that can be applied to maintaining a CRC or CDMS certification. QRC firms and rehabilitation vendors may also pay employees for their time spent at these sessions and may face a loss of revenue due to their employees not being able to do billable work during these sessions. However, rehabilitation providers will benefit by having the training necessary to do their jobs. And injured workers will benefit in that they will receive rehabilitation services from knowledgeable professionals.

There are also portions of the rules that may have resulted in increased administrative costs. For example, currently a QRC firm must retain injured worker case files for five years, which may have resulted in storage costs (whether files are stored physically or electronically). Rehabilitation vendors have been complying with the same storage requirement that they provide the case file to the QRC firm that employs the QRC or QRC intern assigned to the file. The rules are necessary because they ensure that the appropriate parties have access to case files and that the injured worker or insurer, and any assigned attorney, can have access to their records if needed.

Rehabilitation providers might also bear costs related to the QRC internship. The provision in the rules about what is required of QRCs who supervise QRC interns may implicate QRC firm revenue. QRC firms may experience costs because supervisors of QRC interns cannot bill for supervisory duties, and

⁴⁹ As mentioned above, fees under the current rules are: \$100, annually, for QRC interns and QRCs; and \$200, annually, for QRC firms and vendors.

⁵⁰ DLI offers some sessions virtually, which would eliminate any travel costs.

therefore do not directly generate income for the firm during the time they spend supervising QRC interns. On the other hand, there is no rule that requires QRC firms to pay QRC interns or QRCs a certain wage.⁵¹ Therefore, QRC firms may make the choice to help offset costs of supervision by paying QRC interns at a lower rate. Also, QRC firms that invest in supervising QRC interns could have long-term benefits because the QRC intern may eventually generate revenue for the QRC firm as a QRC for years to come. Finally, while DLI believes there are significant benefits for QRCs and their firms to work with QRC interns, there is no rule that requires QRC firms to hire any number of QRC interns and pay bear any costs associated with the internship.

QRC interns who do not finish the internship in 36 months may experience costs as well. The proposed rules require a QRC intern to restart the internship from the beginning if the QRC intern is unable to complete all the requirements within 36 months from the QRC intern's initial registration. As a result, the QRC intern would have to demonstrate all requirements regardless of how much the QRC intern accomplished before the initial internship registration expired. The QRC intern would likely be paid less money than the QRC intern who completed their internship and became a QRC. However, mandating that a QRC intern who cannot complete the internship in 36 months begin the internship again is a reasonable rule. First, the internship is designed so that it is reasonably possible to complete it in as little as one year. The additional months for which a QRC intern may be registered should cover most delays that are outside the QRC intern's control. Additionally, the 36-month limit on internship registration is likely to incentivize QRC interns to diligently fulfill the internship requirements so that they can independently provide services to injured workers as a QRC.

F. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of government units, businesses, or individuals.

The probable costs of not adopting the proposed rules would be minimal. There may be some administrative complexities for rehabilitation providers to continue to use the current rules but considering that many are familiar with the process that would not be substantial. Therefore, the primary consequences of not adopting the rules as proposed is that the rules will remain in the current state which DLI thinks lacks clarity for each group required to register with the Department.

G. An assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference.

There are no known federal regulations that govern rehabilitation services provided in Minnesota's workers' compensation program.

H. An assessment of the cumulative effect of the rule with other federal and state regulations related to the specific purpose of the rule.

There are no cumulative effects of the rule with other federal or state regulations as there are no federal or state regulations related to the specific purpose of the rules governing the registration of rehabilitation providers.

Notice Plan

Minnesota Statutes, section 14.131, requires that an agency include in its SONAR a description of its efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or must explain why these efforts were not made.

⁵¹ DLI does not collect specific data on what QRC firms pay their employees, so it is not known whether the prohibition against billing for supervisory duties results in a net loss to QRC firms.

Notice

This Additional Notice Plan was reviewed by the Office of Administrative Hearings (“OAH”) and approved in a September 12, 2024, order by Administrative Law Judge Megan McKenzie.

This Notice Plan includes giving notice required by statute. DLI will mail or email the Dual Notice of Intent to Adopt to everyone who has registered to be on the Department’s rulemaking mailing or emailing lists under Minnesota Statutes, section 14.14, subdivision 1a. DLI will also give notice to the Legislature per Minnesota Statutes, section 14.116.

Additional Notice Plan

Minn. Stat. §§ 14.131 and 14.23 require that the SONAR describe DLI’s efforts to provide additional notification to persons or classes of persons who may be affected by the proposed rule or explain why these efforts were not made.

DLI has identified persons and classes of persons that represent those most likely to be affected by or interested in the rule amendments. The Notice of Intent to Adopt the proposed amendments will be mailed or emailed to all of the following:

1. The following professional associations: the Minnesota Association of Rehabilitation Providers (MARP) and the Minnesota Association of Service Providers in Private Rehabilitation (MASPPR), a division of the Minnesota Rehabilitation Association (MRA) via their current Presidents;
2. All currently registered QRCs, QRC firms, and rehabilitation vendors;
3. People and entities who are on DLI’s e-mail lists for workers’ compensation adjusters and rehabilitation providers;
4. Members of the RRP, which consists of representatives of labor, employers, insurers, rehabilitation providers, and health care providers, and persons who have requested to receive notice of RRP meetings;
5. Attorneys on DLI’s email list for workers’ compensation attorneys;
6. Those who have commented on the draft amendments since the Request for Comments was published on May 16, 2022; and
7. People and entities who have requested to be on the email list for *COMPACT*, DLI’s quarterly workers’ compensation publication.

In addition, DLI will place the Dual Notice of Intent to Adopt the rule amendments, the proposed rule amendments, and the SONAR on DLI’s rulemaking docket page: www.dli.mn.gov/about-Department/rulemaking/rulemaking-docket-minnesota-rules-chapter-5220-2022.

DLI will also give notice to everyone who has registered to be on DLI’s rulemaking mailing under Minn. Stat. § 14.14, subd. 1a, and to the Legislature as required by Minn. Stat. § 14.116.

The Department’s Additional Notice Plan does not include notifying the Commissioner of Agriculture because the rules do not affect farming operations per Minnesota Statutes, section 14.111.

Performance-based Rules

Minn. Stat. §§ 14.002 and 14.131 require the SONAR to describe how the agency, in developing rules, considered and implemented performance-based standards that emphasize superior achievement in

meeting the agency's regulatory objectives and maximum flexibility for the regulated party and the agency in meeting those goals.

Broadly speaking, DLI's regulatory objective in promulgating rules governing vocational rehabilitation is to "implement and administer" the provision of rehabilitation services to injured workers in the workers' compensation system. See Minn. Stat. § 176.83, subs. 1 and 2. The commissioner of DLI is required to "monitor and supervise rehabilitation services."

Consult with MMB on Local Government Impact

As required by Minnesota Statutes, section 14.131, the Department consulted with Minnesota Management and Budget (MMB). The Department did this by sending MMB copies of the documents that were sent to the Governor's Office for review and approval. The documents included: the Governor's Office Proposed Rule and SONAR Form; the near-final proposed rules; and the near-final SONAR. MMB Executive Budget Officer Laura Wade responded, in part, as follows in a memo dated February 16, 2024:

On behalf of the Commissioner of Minnesota Management and Budget, I have reviewed the proposed changes and the draft of the Statement of Need and Reasonableness to help evaluate the fiscal impact these changes may have on local governments. There are no anticipated costs to local governments. The proposed changes are predominantly to make the rules more user-friendly and to clarify the requirements for each provider group. The proposed changes also include general language clarification. There is a fiscal impact to the Workers' Compensation Fund as there are proposed increases to annual fees to be paid by Qualified Rehabilitation Consultants (QRC), QRC-interns, QRC vendors and QRC firms to DLI. Based on DLI's estimates of affected parties, the expected increase to state revenue is \$17,480, annually.

The Department will submit a copy of the cover correspondence and the response received from MMB to OAH at the hearing or with the documents it submits for Administrative Law Judge review.

Impact on Local Government Ordinances and Rules

Minnesota Statutes, section 14.128, subdivision 1, requires an agency to make a determination of whether a proposed rule will require a local government to adopt or amend any ordinances or other regulation in order to comply with the rule. DLI has determined that no local government will be required to adopt or amend an ordinance or other regulation to comply with the proposed amendments to chapter 5220. Local governments are already required to comply with the workers compensation law, Minn. Stat. ch. 176, under Minn. Stat. § 176.021, subd. 1. And, DLI has the authority to amend the rules governing workers compensation, including rehabilitation rules adopted under Minn. Stat. §§ 176.102, subd. 2, and 176.83, subs. 2 and 4. Accordingly, the implementation of these rule amendments does not require action by local governments.

Costs of Complying for Small Business or City

As prescribed by Minn. Stat. § 14.127, DLI has considered whether the cost of complying with the proposed rule amendments in the first year after they take effect will exceed \$25,000 for any business that has fewer than 50 full-time employees (small business) or any city that has less than ten full-time employees (small city). DLI does not anticipate that the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city.

A majority of QRC firms and rehabilitation vendor firms are businesses that have fewer than 50 full-time employees. As stated in Part D of the regulatory analysis section of this SONAR, it is possible that the rule amendments will have minimal economic effects on a QRC firm or vendor due to an increase

in registration fees and the learning curve in making sure that firms and vendors meet updated registration requirements. However, the annual increase in registration fees for a QRC firm or vendor is only \$80. Even in a situation where a QRC firm potentially pays for the registration costs for individual QRCs or QRC interns, the increase in fees is \$40 annually. In a hypothetical situation where a firm had 50 providers on staff and planned to cover all registration costs, the total cost would be \$7,000, and would represent an increase in costs of \$2,000 compared to the current rule.

The changes to other parts of the rules are not expected to have a meaningful effect on costs.

The cost of complying with the proposed rule amendments in the first year after they take effect will not exceed \$25,000 for any small city either. Small cities employ workers who may receive rehabilitation services if they get injured, but do not directly employ rehabilitation providers. Therefore, the costs of complying with any changes to the registration process or fees will not fall on a small city. No small city will have to pay more than \$25,000 to comply with the rule amendments.

Witnesses and SONAR Exhibits

Witnesses and Other Staff

- 1) The agency expects that the proposed amendments will be noncontroversial. In the event that a hearing is necessary, the agency anticipates having the listed authors testify as witnesses in support of the need for and reasonableness of the rules.
- 2) Mr. Ethan Landy, Minnesota Department of Labor and Industry. Mr. Landy is an attorney with the Department and will introduce the required jurisdictional documents into the record and provide answers to APA procedural questions.
- 3) Minnesota Department of Labor and Industry supervisory staff and Ms. Jeanne Vogel, Director of the Vocational Rehabilitation Unit at DLI, will testify about the substantive changes or requirements in the rules.
- 4) Ms. Jessica Stimac, Assistant Commissioner, will testify about the rulemaking process and DLI considerations in updating the rules.
- 5) Other Department of Labor and Industry staff, if necessary, will testify about the technical aspects of the proposed amendments, the background of the proposed amendments, and the Department's interest in amending the rehabilitation provider registration rules.

SONAR Exhibits

Exhibit 1: QRC registration fee update

Exhibit 2: Draft rule, dated 1/5/23

Exhibit 3: Draft rule, dated 7/7/22

Conclusion

In this SONAR, the Department has established the need for and the reasonableness of each of the proposed amendments to Minnesota Rules, chapter 5220. The Department has provided the necessary notice and in this SONAR documented its compliance with all applicable administrative rulemaking requirements of Minnesota statute and rules.

Based on the forgoing, the proposed amendments are both needed and reasonable.



Nicole Blissenbach, Commissioner
Minnesota Department of Labor and Industry

September 17, 2024

Date

This SONAR was made available for public view, per OAH Rules, part 1400.2070, subpart 1, item E, as of September 23, 2024.

Exhibit 1: QRC registration fee update

FTE	
Compliance Svcs Officer (CSO) Sr.	0.1
State Program Admin (SPA)	0.5
Total FTE	0.6

Forecasted Expenditures	
Compensation - CSO Sr.	\$ 11,052
Compensation - SPA	\$ 48,860
Non-Payroll	\$ 2,978
Total Expenditures	\$ 62,890

Forecasted Revenues	
QRC / QRC Interns (263 X \$140)	\$ 36,820
Firms / Vendors (92 X \$280)	\$ 25,760
Total Revenues	\$ 62,580

Exhibit 2: Draft rule, dated 1/5/23

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 1/5/23 RRP Meeting; draft subject to change.

1 **5220.0100 DEFINITIONS.**

2 **Subp. 23. Qualified rehabilitation consultant.** “Qualified rehabilitation consultant” means a person
3 who is professionally trained and experienced and who is registered by the commissioner according to
4 part 5220.1510 to provide a rehabilitation consultation and to develop and implement an appropriate
5 plan of rehabilitation services for an employee entitled to rehabilitation benefits under Minnesota
6 Statutes, section 176.102.

7
8 **Subp. 23a. Qualified rehabilitation consultant intern.** “Qualified rehabilitation consultant intern”
9 means a person who is in training and registered by the commissioner according to part 5220.1410 to
10 provide a rehabilitation consultation and to develop and implement an appropriate plan of rehabilitation
11 services for an employee entitled to rehabilitation services under Minnesota Statutes, section 176.102,
12 under the direct supervision of a qualified rehabilitation consultant intern supervisor.

13
14 **Subp. 23b. Qualified rehabilitation consultant intern supervisor.** “Qualified rehabilitation consultant
15 intern supervisor” means a person who provides direct supervision, guidance, and work experience to a
16 qualified rehabilitation consultant intern for the successful completion of the internship according to part
17 5220.1410.

18
19 **Subp. 24. Qualified rehabilitation consultant firm.** “Qualified rehabilitation consultant firm” means a
20 public or private business, whether organized as a sole proprietorship, partnership, association,
21 corporation, or other form, which is registered by the commissioner according to part 5220.1610 and
22 held out to the public as a business entity engaged in rehabilitation consultation and services.

23
24 **Subp. 25. ~~Registered rehabilitation~~ Rehabilitation vendor.** “~~Registered rehabilitation~~ Rehabilitation
25 vendor” means a public or private entity registered by the commissioner according to part 5220.1710
26 and existing wholly or in part for the provision of rehabilitation services in accord with an approved
27 rehabilitation plan.

28
29 **Subp. 28. Rehabilitation provider.** “Rehabilitation provider” means the following four categories of
30 rehabilitation professionals:

- 31 A. qualified rehabilitation consultants;
- 32 B. qualified rehabilitation consultant interns;
- 33 C. qualified rehabilitation consultant firms; and
- 34 D. ~~registered-rehabilitation~~ vendors.

35
36 **5220.0107 SERVICE AND FILING OF REHABILITATION DOCUMENTS; COUNTING**
37 **DAYS.**

38
39 **Subp. 2. Filing with state.** A document is filed upon its receipt by the division by 4:30 p.m.
40 on an open state business day. Documents received after 4:30 p.m. are considered filed on the next open
41 state business day. ~~A party is authorized to file a document with the division by facsimile if the~~
42 ~~document is 15 pages or less in length.~~ A party may file a document by electronic transmission only as
43 authorized by the division. The ~~filed facsimile~~ or authorized electronically transmitted information has
44 the same force and effect as the original. Where the quality or authenticity of a document filed by
45 ~~facsimile~~ or electronic transmission is at issue, the division may require the original document to be

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 1/5/23 RRP Meeting; draft subject to change.

46 filed. When the quality or authenticity of a document filed by ~~facsimile or~~ electronic transmission is not
47 at issue, the party shall not also file the original document.

48

49 **5220.0410 REHABILITATION PLAN.**

50

51 **Subp. 9. Administration of plan.** All rehabilitation services shall be provided to an employee pursuant
52 to Minnesota Statutes, section 176.102, as stated in the rehabilitation plan and any subsequent
53 amendments, and shall be administered exclusively by a person or business entity registered and
54 approved by the commissioner as a qualified rehabilitation consultant or a qualified rehabilitation
55 consultant firm.

56

57 The assigned qualified rehabilitation consultant shall monitor ~~registered~~ rehabilitation vendor
58 compliance with the rehabilitation plan.

59

60 Job development and job placement services shall be provided either by rehabilitation providers
61 registered by the commissioner or by a facility accredited by the National Commission on Accreditation
62 of Rehabilitation Facilities (CARF), Tucson, Arizona. The CARF Directory of Accredited Organizations
63 Serving People with Disabilities and its Standards Manual for Organizations Serving People with
64 Disabilities are incorporated by reference in part 5220.0105. The insurer may select the vendor of job
65 development or job placement services.

66

67 **5220.0450 PLAN PROGRESS REPORT.**

68

69 **Subp. 4. Commissioner’s actions.** Based on the information contained in the current plan progress
70 report and in other reports available to the commissioner, the commissioner may perform a more
71 thorough review of the rehabilitation effort. The purpose of the commissioner's review is to determine if
72 the plan is adequate to carry out the objectives of rehabilitation under Minnesota Statutes,
73 section 176.102, subdivision 1, paragraph (b). The commissioner's review may include, but is not
74 limited to the following:

75

- 76 A. requesting additional information from the assigned qualified rehabilitation consultant, the
77 qualified rehabilitation consultant firm, and the ~~registered~~ rehabilitation vendor;
- 78 B. conducting an on-site inspection during normal business hours of the assigned qualified
79 rehabilitation consultant's records for documentation of service provision according to the
80 rehabilitation plan; and
- 81 C. other actions pursuant to Minnesota Statutes, section 176.102, subdivision 6, paragraph (b), and
82 parts 5220.1800 to 5220.1806.

83

84 **5220.0510 PLAN AMENDMENT AND CLOSURE.**

85

86 **Subp. 3. Requirements.** The rehabilitation plan amendment shall be filed on the form prescribed by the
87 commissioner. The prescribed form shall contain substantially the following:

- 88 A. identifying information on the employee, employer, insurer, the assigned qualified rehabilitation
89 consultant, and any change of qualified rehabilitation consultant;
- 90 B. the proposed amendment;

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 1/5/23 RRP Meeting; draft subject to change.

- 91 C. a rationale for the amendment;
- 92 D. if the amendment adds rehabilitation services, an itemization of each additional rehabilitation
- 93 service to be provided including any ~~registered~~ rehabilitation vendor names, dates of initiation
- 94 and completion, and estimated costs of each service;
- 95 E. if the amendment will result in a change in the projected plan completion date, the new
- 96 completion date;
- 97 F. if the amendment will result in a change in the projected plan cost, the new estimated cost;
- 98 G. employee comments, if any; and
- 99 H. the dated signatures of the employee, insurer, and assigned qualified rehabilitation consultant.

100
101 **5220.1250 ROLES OF REGISTERED REHABILITATION PROVIDERS.**

102 An entity may be approved to provide rehabilitation services either as a ~~registered~~ rehabilitation vendor

103 or as a qualified rehabilitation consultant firm. An individual may be approved to provide rehabilitation

104 services as a qualified rehabilitation consultant intern or, in cases of completion of internship and

105 registration renewal, as a qualified rehabilitation consultant.

106
107 A qualified rehabilitation consultant and a qualified rehabilitation consultant intern are approved

108 for the purpose of developing, administering, and implementing a rehabilitation plan, including the

109 provision of rehabilitation services, in accordance with Minnesota Statutes, chapter 176 and the rules

110 adopted to administer it.

111
112 A qualified rehabilitation consultant firm is approved for the purpose of employing qualified

113 rehabilitation consultants, qualified rehabilitation consultant interns, and other professional staff as

114 provided in part ~~5220.1600~~ 5220.1610.

115
116 A ~~registered~~ rehabilitation vendor is approved for the purpose of providing the workers’

117 compensation rehabilitation services of job development and job placement, vocational testing, job

118 seeking skills, labor market survey, post-placement follow-up, and transferrable skills analysis under an

119 approved rehabilitation plan.

120
121 The roles of vendor and consultant are distinct and, therefore, a ~~registered~~ rehabilitation vendor

122 or its employee may not be, or function as, a qualified rehabilitation consultant firm, a qualified

123 rehabilitation consultant, or a qualified rehabilitation consultant intern. Nor may a qualified

124 rehabilitation consultant firm, qualified rehabilitation consultant, or qualified rehabilitation consultant

125 intern be or function as a ~~registered~~ rehabilitation vendor or as the agent of a vendor.

126
127 The distinction of roles between ~~registered~~ rehabilitation vendor and qualified rehabilitation

128 consultant means the following: A ~~registered~~ rehabilitation vendor and its employees may provide job

129 development and job placement services under an approved rehabilitation plan for any qualified

130 employee; a qualified rehabilitation consultant firm and its employees may provide job development and

131 job placement services only in cases for which a qualified rehabilitation consultant or qualified

132 rehabilitation consultant intern employed by that firm is the assigned qualified rehabilitation consultant.

133

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 1/5/23 RRP Meeting; draft subject to change.

134 There shall be no ownership or financial relationships of any kind between any registered
135 rehabilitation vendor and qualified rehabilitation consultant firm, qualified rehabilitation consultant, or
136 qualified rehabilitation consultant intern.
137

138 The commissioner shall review the professional activities and services of rehabilitation providers
139 to determine if they are reasonable and comply with the standards of performance and professional
140 conduct contained in parts 5220.1800 and 5220.1801, the provisions of Minnesota Statutes, chapter 176,
141 parts 5220.0100 to 5220.1900, and orders issued under the statutes or rules.
142

143 **5220.1410 QUALIFIED REHABILITATION CONSULTANT INTERNS AND SUPERVISORS:**
144 **REQUIREMENTS AND PROCEDURES FOR REGISTRATION.**
145

146 **Subpart 1. Requirements and application to become a qualified rehabilitation consultant intern.**

147 For registration as a qualified rehabilitation consultant intern, the applicant must meet the following
148 requirements:

- 149 A. A qualified rehabilitation consultant intern must be employed by a qualified rehabilitation
150 consultant firm.
- 151 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
152 complete application for qualified rehabilitation consultant intern registration that includes:
 - 153 1. The applicant’s name, phone number, home address, designated mailing address (if different
154 from the home address), and email address;
 - 155 2. The applicant’s social security number or individual taxpayer identification number and
156 Minnesota business identification number, as applicable, as required by Minnesota Statutes,
157 section 270C.72, subdivision 4;
 - 158 3. The name of the qualified rehabilitation consultant firm that will employ the applicant and
159 the name, phone number, and email address of the applicant’s qualified rehabilitation
160 consultant intern supervisor;
 - 161 4. The projected date by which the applicant will obtain one of the certifications listed in
162 subpart 3, item M, or a master’s degree under subpart 3, item N;
 - 163 5. A list of languages other than English that the applicant wants to be identified as proficient in
164 for providing rehabilitation services;
 - 165 6. Agreement to notify the department within two weeks of any change in rehabilitation firm
166 employment status;
 - 167 7. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
168 from the Minnesota border; and
 - 169 8. The \$140 application fee.
- 170 C. The application must include a plan of supervision that contains a declaration signed by the
171 supervisor that the supervisor will comply with all of the requirements in subpart 4.
- 172 D. The applicant must attest that all information in the application is true.
173

174 **Subp. 2. Approval or denial of qualified rehabilitation consultant intern registration.**

- 175 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant
176 intern registration, the commissioner must approve or deny the application and notify the
177 applicant whether the application is approved or denied.

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 1/5/23 RRP Meeting; draft subject to change.

- 178 B. If the application is approved, the commissioner shall assign a registration number to the
179 qualified rehabilitation consultant intern.
- 180 C. The following constitute grounds for denial of the application:
 - 181 1. The applicant failed to comply with the requirements in subpart 1;
 - 182 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
183 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
184 standards of performance and professional conduct for professional activities and services of
185 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
186 or
 - 187 3. The applicant has outstanding fines or penalties with the department.
- 188 D. An applicant may appeal the commissioner’s order denying an application for qualified
189 rehabilitation consultant intern registration.
- 190 E. To appeal the commissioner’s order, the applicant must file a written request for hearing with
191 the commissioner within 30 days of service of the order denying the application.
- 192 F. The request for hearing will be referred to the rehabilitation review panel according to
193 Minnesota Statutes, section 176.102, subdivision 3.
- 194 G. Qualified rehabilitation consultant intern registration expires 24 consecutive months from the
195 date that it is approved. If a person’s qualified rehabilitation consultant intern registration
196 expires before the person completes all of the requirements in subpart 3 and files an application
197 for initial registration as a qualified rehabilitation consultant, the person must reapply for
198 qualified rehabilitation consultant intern registration and restart the internship from the
199 beginning. The person must not provide rehabilitation services to injured workers if the
200 registration expires before submission of a complete renewal application or before the
201 commissioner has approved or denied the application. The person must complete the
202 requirements in subpart 3, items A to I, after the date the subsequent application for qualified
203 rehabilitation consultant intern registration is approved, and must also comply with subpart 3,
204 item J.

Subp. 3. Requirements during the internship.

206 During the internship, a qualified rehabilitation consultant intern must:

- 207 A. Comply with the provisions of Minnesota Statutes, chapter 176; Minnesota Rules, parts
208 5220.0100 to 5220.1900; and any orders issued under these statutes or rules;
- 209 B. Complete an introductory orientation training session sponsored by the department within 12
210 months of approval of qualified rehabilitation consultant intern registration;
- 211 C. Complete all of the department’s rehabilitation provider update sessions;
- 212 D. Notify the commissioner within two weeks of a change in home address, designated mailing
213 address (if different from the home address), or employment with their registered rehabilitation
214 firm;
- 215 E. Notify the department when their supervisor changes, and ensure that the new supervisor
216 provides an updated plan of supervision as required under subpart 1, paragraph C;
- 217 F. Ensure that all documents bearing the name of the intern designate the intern as a “qualified
218 rehabilitation consultant intern” and include the intern’s registration number;
- 219 G. Work as the assigned qualified rehabilitation consultant intern on 12 or more rehabilitation plans
220 under Minnesota Statutes, section 176.102;
- 221

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

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- 222 H. Be the rehabilitation consultant of record for at least one of each of the following complete
223 reports:
 - 224 1. Rehabilitation Consultation Report that explains the basis for the eligibility determination;
 - 225 2. Rehabilitation Plan with an initial evaluation narrative report that includes medical status,
226 vocational history, educational history, social history, relevant economic factors, transferable
227 skills, employment barriers, and recommendations;
 - 228 3. Plan Progress Report or Rehabilitation Plan Amendment with a narrative report that
229 identifies barriers to the employee’s successful completion of the rehabilitation plan and the
230 measures the intern planned to overcome each of the identified barriers; and
 - 231 4. Notice of Rehabilitation Plan Closure with a narrative summary report that includes all
232 rehabilitation plan services provided;
- 233 I. Prepare at least one of each of the following complete reports, or, if necessary due to inability to
234 complete a required report under an assigned rehabilitation plan, contact the department to
235 confirm that the intern can complete the report outside of their assigned files:
 - 236 1. A narrative report that shows the intern’s understanding of vocational testing;
 - 237 2. A narrative report that shows the intern’s understanding of a transferable skills analysis; and
 - 238 3. A labor market survey that shows the intern’s understanding of the injured employee’s
239 qualifications, work restrictions, and labor market conditions;
- 240 J. Obtain one of the following certifications by the completion of the internship:
 - 241 1. Certified Rehabilitation Counselor (CRC) from the Commission on Rehabilitation Counselor
242 Certification; or
 - 243 2. Certified Disability Management Specialist (CDMS) from the Certification of Disability
244 Management Specialist.

Subp. 4. Requirements for supervisors of qualified rehabilitation consultant interns.

247 A qualified rehabilitation consultant intern supervisor agrees to be responsible for all of the intern’s
248 rehabilitation work. During the internship, the supervisor must:

- 249 A. Review the rehabilitation statutes and rules with the intern before the intern meets with an
250 injured employee for the first time and throughout the internship as needed to ensure the intern’s
251 compliance with the statutes and rules;
- 252 B. Not bill for supervisory duties;
- 253 C. Monitor the intern’s progress towards completing the internship;
- 254 D. Attend all administrative conferences and hearings with the intern and ensure that the intern
255 reviews the rehabilitation file and is prepared to respond to questions relevant to the subject of
256 the conference, including questions about the rehabilitation plan, payment for rehabilitation
257 services, and the reasonableness and necessity of rehabilitation services; and
- 258 E. Review all written work that substantively applies to the scope of a rehabilitation plan for any
259 file assigned to the QRC intern.
- 260 F. If the intern leaves employment with the firm and will not provide additional rehabilitation
261 services, coordinate the transfer of the intern’s files so that injured employees continue to receive
262 rehabilitation services in accordance with part 5220.0710.
- 263 G. The supervisor must currently be a registered QRC with at least three years of QRC work
264 experience, excluding time as a QRC intern.

265

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266 **5220.1510 QUALIFIED REHABILITATION CONSULTANTS: REQUIREMENTS AND**
267 **PROCEDURES FOR REGISTRATION.**

268
269 **Subpart 1. Completion of qualified rehabilitation consultant internship and requirements to**
270 **become a qualified rehabilitation consultant.**

271 For initial registration as a qualified rehabilitation consultant, the applicant must meet the following
272 requirements:

- 273 A. A qualified rehabilitation consultant (QRC) must be employed by a qualified rehabilitation
274 consultant firm or their own QRC firm which must be registered as a QRC firm with the
275 department.
- 276 B. At the time the applicant files the initial application for qualified rehabilitation consultant
277 registration:
 - 278 1. The applicant must be registered as a qualified rehabilitation consultant intern;
 - 279 2. The applicant must have been registered as a qualified rehabilitation consultant intern for at
280 least 6 months; and
 - 281 3. Within 24 months after the date the applicant most recently became registered as a qualified
282 rehabilitation consultant intern, the applicant must have completed the requirements specified
283 in part 5220.1410, subpart 3.
- 284 C. The applicant must file a complete initial application for qualified rehabilitation consultant
285 registration with the commissioner in the format prescribed that includes:
 - 286 1. The applicant’s name, phone number, home address, designated mailing address (if different
287 from the home address), and email address;
 - 288 2. The applicant’s social security number or individual taxpayer identification number and
289 Minnesota business identification number, as applicable, as required by Minnesota Statutes,
290 section 270C.72, subdivision 4;
 - 291 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
 - 292 4. The date the applicant completed the department’s orientation session;
 - 293 5. Each date the applicant completed one of the department’s rehabilitation provider update
294 sessions;
 - 295 6. A list of languages other than English that the applicant wants to be identified as being
296 proficient in for providing rehabilitation services;
 - 297 7. Documentation from the applicant’s qualified rehabilitation consultant intern supervisor
298 certifying that the applicant complied with each of the requirements in 5220.1410, subpart 3,
299 items F through I;
 - 300 8. Proof that the applicant has obtained one of the certifications listed in 5220.1410, subpart 3,
301 item J;
 - 302 9. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
303 from the Minnesota border; and
 - 304 10. The registration fee of \$140.
- 305 D. The applicant must attest that all information in the application is true.

306
307 **Subp. 2. Approval or denial of initial application.**

- 308 A. Within 60 days after receiving a complete initial application for qualified rehabilitation
309 consultant registration, the commissioner must approve or deny the application and notify the
310 applicant whether the application is approved or denied.

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- 311 B. If the application is approved, the commissioner shall assign a registration number to the
- 312 qualified rehabilitation consultant.
- 313 C. The following constitute grounds for denial of the application:
- 314 1. The applicant failed to comply with the requirements in subpart 1;
- 315 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
- 316 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
- 317 standards of performance and professional conduct for professional activities and services of
- 318 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
- 319 or
- 320 3. The applicant has outstanding fines or penalties with the department.
- 321 D. The qualified rehabilitation consultant registration expires one year from the date the application
- 322 is approved.
- 323

Subp. 3. Renewal of qualified rehabilitation consultant registration.

324 To annually renew registration as a qualified rehabilitation consultant, the applicant must meet the

325 following requirements:

326

- 327 A. A qualified rehabilitation consultant must be employed by a qualified rehabilitation consultant
- 328 firm.
- 329 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
- 330 complete renewal application for qualified rehabilitation consultant registration that includes:
- 331 1. The applicant’s name, phone number, home address, designated mailing address (if different
- 332 from the home address), and email address;
- 333 2. The applicant’s social security number or individual taxpayer identification number and
- 334 Minnesota business identification number as applicable, as required by Minnesota Statutes,
- 335 section 270C.72, subdivision 4;
- 336 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
- 337 4. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
- 338 from the Minnesota border;
- 339 5. A copy of the applicant’s certification as a Certified Rehabilitation Counselor (CRC) or a
- 340 Certified Disability Management Specialist (CDMS); and
- 341 6. The registration fee of \$140.
- 342 C. A qualified rehabilitation consultant registered with the commissioner before July 1, 2005, and
- 343 continuously registered since that date, may either continue to meet the certification
- 344 requirements in effect at the time of initial registration or meet one of the requirements in
- 345 paragraph B, subitem 6.
- 346 D. The applicant must have submitted documentation showing that they completed the department’s
- 347 most recent rehabilitation provider update session.
- 348 E. The applicant must not provide rehabilitation services to injured workers if the applicant’s
- 349 registration expires before submission of a complete renewal application or before the
- 350 commissioner has approved or denied the application pursuant to subpart 5.
- 351 F. The applicant must attest that all information in the application is true.
- 352

Subp. 4. Gap in qualified rehabilitation consultant registration.

353 To ensure there is not a gap in qualified rehabilitation consultant registration, the applicant must submit

354 the renewal application for qualified rehabilitation consultant registration at least 60 days before

355

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356 expiration of the applicant’s current registration. If an applicant’s qualified rehabilitation consultant
357 registration expired more than 12 months before the applicant files a renewal application for qualified
358 rehabilitation consultant registration, the applicant must complete the department’s orientation session
359 within 12 months before or after the applicant files the renewal application.
360

361 **Subp. 5. Approval or denial of renewal application.**

- 362 A. Within 60 days after receiving a complete renewal application for qualified rehabilitation
363 consultant registration, the commissioner must approve or deny the application and notify the
364 applicant whether the application is approved or denied.
- 365 B. The following constitute grounds for denial of the application:
- 366 1. The applicant failed to comply with the requirements in subpart 3;
 - 367 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
368 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
369 standards of performance and professional conduct for professional activities and services of
370 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
371 or
 - 372 3. The applicant has outstanding fines or penalties with the department.
- 373 C. If the commissioner denies a renewal application under item B, subitem 2, and the denial is final
374 because the qualified rehabilitation consultant did not file a timely request for hearing or a
375 hearing was timely requested and all appeals have been exhausted, another renewal application
376 may be filed only if the requirements of subitem 1 or subitem 2 are met.
- 377 1. The former qualified rehabilitation consultant may file another renewal application if the
378 applicant has entered into a stipulated agreement with the commissioner regarding the
379 violations of statute, rule, or order that were cited as the basis for denial of the renewal
380 application and the stipulation allows the former qualified rehabilitation consultant to reapply
381 after a specified period of time; or
 - 382 2. The former qualified rehabilitation consultant may file another renewal application if six
383 months have passed since the denial of the previous renewal application became final, and
384 the subsequent application is accompanied by a statement and documentation that shows
385 what the applicant has done and will do to ensure that the applicant complies with Minnesota
386 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, and any orders issued
387 under those statutes or rules.
- 388 The commissioner must approve or deny the new renewal application according to items A and
389 B of this subpart and, if applicable, after determining whether the applicant’s statement and
390 documentation in subitem 2 demonstrates that the applicant is not likely to violate Minnesota
391 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued
392 under those statutes or rules.
- 393 D. The registration expires one year from the date the applicant’s current registration was set to
394 expire, unless the applicant was not registered as a qualified rehabilitation consultant on the date
395 that the commissioner received the application, in which case the registration expires one year
396 after the application is approved.
397

398 **Subp. 6. Appeal process for denials.**

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- 399 A. An applicant may appeal the commissioner’s order denying an initial application for qualified
400 rehabilitation consultant registration or a renewal application for qualified rehabilitation
401 consultant registration.
- 402 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
403 commissioner within 30 days of service of the order denying the application.
- 404 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
405 Statutes, section 176.102, subdivision 3.
- 406 D. The filing of a timely request for hearing on an order denying a renewal application will stay the
407 effect of the denial until final disposition of the appeal.
408

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

411
412 **Subpart 1. Requirements for qualified rehabilitation consultant firms.** At all times while registered
413 with the commissioner, a qualified rehabilitation consultant firm must meet the requirement in items A
414 through I.

- 415 A. The firm must be owned by:
 - 416 1. An individual who is a qualified rehabilitation consultant; or
 - 417 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 418 B. If the firm is owned by an entity other than an individual, the management staff must include at
419 least one full-time employee who is a qualified rehabilitation consultant. An employer or insurer
420 must be registered as a qualified rehabilitation consultant firm in order to provide rehabilitation
421 services. A qualified rehabilitation consultant or qualified rehabilitation consultant intern
422 employed by an employer or insurer must only provide rehabilitation services for the claims
423 being handled by the entity by whom the qualified rehabilitation consultant or qualified
424 rehabilitation consultant intern is employed.
- 425 C. The firm must maintain workers’ compensation insurance if required by Minnesota Statutes,
426 chapter 176.
- 427 D. The firm must maintain at least one office in Minnesota or within 100 miles by road from the
428 Minnesota border. If a firm does not maintain at least one office in Minnesota or within 100
429 miles by road from the Minnesota border on the effective date of these rules, the firm must
430 comply with this part within 90 days of receiving written notice of the requirement from the
431 department.
- 432 E. The firm must not provide rehabilitation services unless the qualified rehabilitation consultant or
433 qualified rehabilitation consultant intern assigned to the injured employee’s case file is an
434 employee of the firm.
- 435 F. The firm must ensure that each employee who provides rehabilitation services to injured
436 employees attends all department rehabilitation provider update sessions.
- 437 G. If the firm hires a new, non-registered employee who will provide rehabilitation services to
438 injured employees, that employee must, within 12 months of employment, complete the
439 department’s orientation session.
- 440 H. The firm must retain each of the firm’s injured worker case files for at least five years after the
441 date of file closure.

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

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- 442 I. If there is a change to the information previously provided to the department on the firm’s
443 registration application, including any change in employees who provide rehabilitation services
444 to injured workers, the firm must report the change to the department.
445

446 **Subp. 2. Staffing Requirements.** At all times while registered with the commissioner, a qualified
447 rehabilitation consultant firm must meet the following staffing requirements:
448

- 449 A. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation
450 services to qualified employees shall be qualified rehabilitation consultants or qualified
451 rehabilitation consultant interns. Employees who are not qualified rehabilitation consultants or
452 qualified rehabilitation consultant interns, under the direct supervision of the assigned qualified
453 rehabilitation consultant or qualified rehabilitation consultant intern, may provide the services of
454 job seeking skills training, job development, job placement, vocational testing, labor market
455 survey, post-placement follow-up, and transferrable skills analysis.
- 456 B. Any firm employing four or fewer full-time qualified rehabilitation consultants or qualified
457 rehabilitation consultant interns may employ up to two employees who are not qualified
458 rehabilitation consultants or qualified rehabilitation interns who may, under the direct
459 supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation
460 consultant intern, provide the services of, job seeking skills training, job development, job
461 placement, vocational testing, transferrable skills analysis, post-placement follow-up, and labor
462 market survey. However, as restricted by part 5220.1250, employees who are not qualified
463 rehabilitation consultants or qualified rehabilitation consultant interns may provide these
464 prescribed services only in cases for which a qualified rehabilitation consultant or qualified
465 rehabilitation consultant intern employed by the same firm is the assigned qualified rehabilitation
466 consultant.
467

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

- 470 A. The applicant must file a complete application for qualified rehabilitation consultant firm
471 registration in the format prescribed by the commissioner that includes:
- 472 1. The applicant’s name and Minnesota business identification number, as required by
473 Minnesota Statutes, section 270C.72, subdivision 4;
 - 474 2. Every business address where the applicant will provide rehabilitation services;
 - 475 3. If the firm is owned by an individual, that individual’s phone number, email address, home
476 address, social security number, and any state and federal employer identification numbers;
 - 477 4. If the firm is not owned by an individual:
 - 478 i. The name and address of the firm’s agent registered with the Secretary of State;
 - 479 ii. A different name and address for legal service on the firm, if the firm chooses to accept
480 legal service from the department at an address different from the registered address; and
 - 481 iii. The name, address, email, and telephone number of the full-time member of the
482 management staff who is a qualified rehabilitation consultant;
 - 483 5. The name and job title of each employee, an indication whether the employee will provide
484 rehabilitation services to injured employees, and their job title;

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

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- 485 6. For each employee who has provided or will provide rehabilitation services to injured
486 employees, the most recent date the employee completed the department’s rehabilitation
487 provider update session;
- 488 7. Proof of workers’ compensation insurance or an explanation of why no workers’
489 compensation insurance is required;
- 490 8. Affirmation that one of the offices where the applicant will provide rehabilitation services is
491 located in Minnesota or within 100 miles by road from the Minnesota border; and
- 492 9. The registration fee of \$280.
- 493 B. If the application is for renewal of qualified rehabilitation consultant firm registration and the
494 applicant does not want a gap in registration, the applicant must submit the renewal application
495 at least 60 days before expiration of the applicant’s current registration.
- 496 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
497 registration expires before submission of a complete renewal application or before the
498 commissioner has approved or denied the application.
- 499 D. The applicant must attest that all information in the application is true and that the applicant
500 meets or will meet all the requirements of subpart 1.
- 501 E. The qualified rehabilitation consultant firm registration must be renewed annually, in accordance
502 with Section 5220.1610, subpart 3, Item C.

503
504 **Subp. 4. Approval or denial of application.**

- 505 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant firm
506 registration, the commissioner must approve or deny the application and notify the applicant
507 whether the application is approved or denied. The following constitute grounds for denial of the
508 application:
 - 509 1. The applicant failed to comply with the requirements of subpart 2;
 - 510 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
511 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
512 standards of performance and professional conduct for professional activities and services of
513 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
514 or
 - 515 3. The applicant has outstanding fines or penalties with the department.
- 516 B. If the commissioner approves the application, the commissioner shall assign a registration
517 number to the qualified rehabilitation consultant firm.
- 518 C. The registration expires one year from the date the applicant’s current registration was set to
519 expire, unless the applicant was not registered as a qualified rehabilitation consultant firm on the
520 date that the commissioner received the application, in which case the registration expires one
521 year after the application is approved.

522
523 **Subp. 5. Appeal process for denials.**

- 524 A. An applicant may appeal the commissioner’s order denying an application for qualified
525 rehabilitation consultant firm registration.
- 526 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
527 commissioner within 30 days of service of the order denying the application.

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 1/5/23 RRP Meeting; draft subject to change.

- 528 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 529 Statutes, section 176.102, subdivision 3.
- 530 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 531 of the denial until final disposition of the appeal.
- 532

Subp. 6. Retention and transfer of rehabilitation plans.

534 If the registration of a qualified rehabilitation consultant firm expires, then the qualified rehabilitation
535 consultant who owns the firm or is a member of the firm’s management staff must ensure that the firm’s
536 active rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified
537 rehabilitation consultant firm as required by part 5220.1802, subpart 4a.

5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

542 **Subpart 1. Requirements for rehabilitation vendors.** At all times while registered with the
543 commissioner, a rehabilitation vendor must meet the requirements in items A through K.

- 544 A. The rehabilitation vendor must be owned by:
 - 545 1. An individual; or
 - 546 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 547 B. The rehabilitation vendor must maintain workers’ compensation insurance if required by
- 548 Minnesota Statutes, chapter 176.
- 549 C. The rehabilitation vendor must maintain at least one office where services to injured employees
- 550 are provided in Minnesota or within 100 miles by road from the Minnesota border. If a vendor
- 551 does not maintain at least one office in Minnesota or within 100 miles by road from the
- 552 Minnesota border on the effective date of these rules, the vendor must comply with this part
- 553 within 90 days of receiving written notice of the requirement from the department.
- 554 D. The rehabilitation vendor must cooperate in any request for information or investigation by the
- 555 department.
- 556 E. The rehabilitation vendor may only provide rehabilitation services to injured employees under an
- 557 approved rehabilitation plan.
- 558 F. The rehabilitation vendor must promptly communicate with the assigned qualified rehabilitation
- 559 consultant or qualified rehabilitation consultant intern regarding all rehabilitation services that
- 560 the rehabilitation vendor provides to injured employees.
- 561 G. Each employee of the rehabilitation vendor who provides rehabilitation services to injured
- 562 employees must attend all department rehabilitation provider update sessions.
- 563 H. If the rehabilitation vendor hires a new employee who will provide rehabilitation services to
- 564 injured employees, that employee must, within 12 months of employment, complete the
- 565 department’s orientation session.
- 566 I. If the rehabilitation vendor is no longer providing services to injured employees, the
- 567 rehabilitation vendor must provide any active or closed case file to the qualified rehabilitation
- 568 consultant firm that last employed the qualified rehabilitation consultant or qualified
- 569 rehabilitation consultant intern assigned to the file.

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

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- 570 J. Within two weeks of the change, the rehabilitation vendor must report to the department any
571 change in any of the information provided to the department on the rehabilitation vendor’s
572 registration application, including any change in employees who provide rehabilitation services
573 to injured employees.
- 574 K. The rehabilitation vendor must not employ or otherwise engage the services of a qualified
575 rehabilitation consultant.
576

577 **Subp. 2. Rehabilitation vendor registration.** For registration as a rehabilitation vendor, the applicant
578 must meet the following requirements:

- 579 A. The applicant must file a complete application for rehabilitation vendor registration in the format
580 prescribed by the commissioner that includes:
 - 581 1. The applicant’s name and every business address where the applicant will provide
582 rehabilitation services to injured employees;
 - 583 2. The applicant’s taxpayer identification number and Minnesota business identification
584 number, as required by Minnesota Statutes, section 270C.72, subdivision 4;
 - 585 3. If the rehabilitation vendor is owned by an individual, that individual’s phone number, email
586 address, home address, social security number, and any state and federal employer
587 identification numbers;
 - 588 4. If the rehabilitation vendor is not owned by an individual:
 - 589 i. The name, address, phone number, and email address of the rehabilitation vendor’s agent
590 registered with the Secretary of State;
 - 591 ii. A different name and address for legal service on the rehabilitation vendor, if the
592 rehabilitation vendor chooses to accept legal service from the department at an address
593 different from the registered address;
 - 594 5. The name and job title of each current employee of the rehabilitation vendor and an
595 indication of whether each employee will provide rehabilitation services to injured
596 employees;
 - 597 6. For each employee who has provided or will provide rehabilitation services to injured
598 employees, and the most recent date the employee completed the department’s rehabilitation
599 provider update session;
 - 600 7. The name of each manager of the rehabilitation vendor;
 - 601 8. Proof of workers’ compensation insurance or an explanation of why no workers’
602 compensation insurance is required;
 - 603 9. Affirmation that one of the offices where the applicant will provide rehabilitation services to
604 injured employees is located in Minnesota or within 100 miles by road from the Minnesota
605 border; and
 - 606 10. The registration fee of \$280.
- 607 B. If the application is for renewal of rehabilitation vendor registration and the applicant wants there
608 to be no gap in registration, the applicant must submit the renewal application at least 60 days
609 before expiration of the applicant’s current registration.
- 610 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
611 registration expires before submission of a complete renewal application or before the
612 commissioner has approved or denied the application.

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- 613 D. The applicant must attest that all information in the application is true and that the applicant
- 614 meets or will meet all the requirements of subpart 1.
- 615 E. The rehabilitation vendor registration must be renewed annually, in accordance with Section
- 616 5220.1710, subpart 3, Item C.

617 **Subp. 3. Approval or denial of application.**

- 618 A. Within 60 days after receiving a complete application for rehabilitation vendor registration, the
- 619 commissioner must approve or deny the application and notify the applicant whether the
- 620 application is approved or denied. The following constitute grounds for denial of the application:
- 621 1. The applicant failed to comply with the requirements of subpart 2;
- 622 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
- 623 Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued under those statutes or
- 624 rules; or
- 625 3. The applicant has outstanding fines or penalties with the department.
- 626 B. If the commissioner approves the application, the commissioner shall assign a registration
- 627 number to the rehabilitation vendor.
- 628 C. The registration expires one year from the date the applicant’s current registration was set to
- 629 expire, unless the applicant was not registered as a rehabilitation vendor on the date that the
- 630 commissioner received the application, in which case the registration expires one year after the
- 631 application is approved.
- 632

633 **Subp. 4. Appeal process for denials.**

- 634 A. An applicant may appeal the commissioner’s order denying an application for rehabilitation
- 635 vendor registration.
- 636 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
- 637 commissioner within 30 days of service of the order denying the application.
- 638 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 639 Statutes, section 176.102, subdivision 3.
- 640 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 641 of the denial until final disposition of the appeal.
- 642

643 **5220.1750 VOCATIONAL REHABILITATION UNIT.**

644 The vocational rehabilitation unit of the Department and its employees are exempt from payment of the

645 fees in parts 5220.1410, 5220.1510, and 5220.1610.

646

647 **5220.1801 PROFESSIONAL CONDUCT.**

648

649 **Subpart 1. Prompt provision of service and assessment of progress.**

650 The assigned qualified rehabilitation consultant and any ~~registered~~ rehabilitation vendor providing

651 rehabilitation services under a plan shall provide prompt and necessary rehabilitation services to assist a

652 qualified employee to return to suitable gainful employment. The qualified rehabilitation consultant

653 shall periodically assess progress toward plan objectives.

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655 [See MR for subparts 2--7]

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Subp. 8. Separate roles and functions.

- A. The roles and functions of a claims agent and a rehabilitation provider are separate. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, ~~registered~~-rehabilitation vendor, or an agent of a rehabilitation provider, shall engage only in those activities designated in Minnesota Statutes, section 176.102, and rules adopted thereunder.
- B. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, or ~~registered~~ rehabilitation vendor shall not act as an advocate for or advise any party about a claims or entitlement issue. Except as permitted by item C, qualified rehabilitation consultants, qualified rehabilitation consultant interns, and ~~registered~~-rehabilitation vendors shall at no time in any capacity engage in any of the following activities regarding any claim for workers' compensation benefits pursuant to Minnesota Statutes, chapter 176:
 - (1) claims adjustment;
 - (2) claims investigation;
 - (3) determining liability or setting reserves for a claim;
 - (4) authorizing or denying provision of future medical or rehabilitation services;
 - (5) recommending, authorizing, or denying payment of medical or rehabilitation bills;
 - (6) making recommendations about the determination of workers' compensation monetary benefits;
 - (7) arranging for medical examinations not recommended by the treating doctor; or
 - (8) arranging for or participating in surveillance or investigative services.
- C. This subpart shall not prohibit a registered rehabilitation provider from engaging in the activities in item B, subitems (4) and (5), while providing medical case management services for a certified managed care plan to the extent permitted by part 5218.0760. However, a medical case manager for an employee covered by a certified managed care plan may not be the assigned qualified rehabilitation consultant for that same employee.

This subpart shall not prohibit a qualified rehabilitation consultant acting on behalf of the reinsurance association from consulting with the assigned qualified rehabilitation consultant regarding the rehabilitation plan.

5220.1802 COMMUNICATIONS.

Subp. 4. ~~Registered~~-rehabilitation vendor reporting.

At least each 30 days, the ~~registered~~-rehabilitation vendor shall submit all required progress records, required rehabilitation reports and cost information on an employee's case directly to the assigned qualified rehabilitation consultant with copies to the employee, the insurer, and their attorneys, and also to the employer upon the employer's request.

5220.1900 REHABILITATION SERVICE FEES AND COSTS.

Subp. 1e. **Job development and placement services.** Whether provided by ~~registered~~-rehabilitation vendors or qualified rehabilitation consultant firms, job development and job placement services, when billed on an hourly basis, shall be billed at an hourly rate not to exceed \$82.58 per hour as adjusted under subpart 1b.

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[See MR for subparts 1g—6b]

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702
703 Subp. 7. **Case activities that require approval or are not billable.** The services and activities
704 described in items A and B either require approval or are not billable by the rehabilitation provider.

705
706 A. The following services and activities are not compensable unless the rehabilitation plan specifies
707 them, the insurer approves them, or the commissioner or a compensation judge determines that they
708 were reasonable and necessary under subpart 2:

709 (1) phone calls or visits to health care providers and accompanying the employee to
710 appointments or examinations; or

711 (2) time spent by a supervisor or another qualified rehabilitation consultant consulting with or
712 advising the assigned qualified rehabilitation consultant.

713
714 B. Rehabilitation providers shall not bill for the following services, activities, or charges:

715 (1) phone calls to the department regarding general procedures or questions about rehabilitation
716 not related to a specific rehabilitation plan;

717 (2) unanswered attempted phone calls where the rehabilitation provider does not leave a
718 message;

719 (3) time for attendance at an administrative conference by the supervisor of the qualified
720 rehabilitation consultant intern who is providing services to the employee;

721 (4) time spent reviewing the file by an assigned qualified rehabilitation consultant or ~~registered~~
722 rehabilitation vendor when a case has been transferred from another qualified rehabilitation consultant
723 or ~~registered~~ rehabilitation vendor within the same rehabilitation firm;

724 (5) wait time exceeding 15 minutes for early arrival for a prearranged meeting or appointment; or

725 (6) charges beyond the hourly fee for testimony at a hearing or administrative conference when
726 the qualified rehabilitation consultant or ~~registered~~ rehabilitation vendor has provided rehabilitation
727 services under the plan.

728
729 Repealer. Minnesota Rules, parts 5220.1400, 5220.1500, 5220.1600, and 5220.1700 are repealed.

Exhibit 3: Draft rule, dated 7/7/22

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

For discussion purposes as presented at 7/7/22 RRP Meeting; draft subject to change.

1 **5220.0100 DEFINITIONS.**

2 **Subp. 23. Qualified rehabilitation consultant.** “Qualified rehabilitation consultant” means a person
3 who is professionally trained and experienced and who is registered by the commissioner according to
4 part 5220.1510 to provide a rehabilitation consultation and to develop and implement an appropriate
5 plan of rehabilitation services for an employee entitled to rehabilitation benefits under Minnesota
6 Statutes, section 176.102.

7
8 **Subp. 23a. Qualified rehabilitation consultant intern.** “Qualified rehabilitation consultant intern”
9 means a person who is in training and registered by the commissioner according to part 5220.1410 to
10 provide a rehabilitation consultation and to develop and implement an appropriate plan of rehabilitation
11 services for an employee entitled to rehabilitation services under Minnesota Statutes, section 176.102,
12 under the direct supervision of a qualified rehabilitation consultant intern supervisor.

13
14 **Subp. 23b. Qualified rehabilitation consultant intern supervisor.** “Qualified rehabilitation consultant
15 intern supervisor” means a person who provides direct supervision, guidance, and work experience to a
16 qualified rehabilitation consultant intern for the successful completion of the internship according to part
17 5220.1410.

18
19 **Subp. 24. Qualified rehabilitation consultant firm.** “Qualified rehabilitation consultant firm” means a
20 public or private business, whether organized as a sole proprietorship, partnership, association,
21 corporation, or other form, which is registered by the commissioner according to part 5220.1610 and
22 held out to the public as a business entity engaged in rehabilitation consultation and services.

23
24 **Subp. 25. ~~Registered rehabilitation~~ Rehabilitation vendor.** “~~Registered rehabilitation~~ Rehabilitation
25 vendor” means a public or private entity registered by the commissioner according to part 5220.1710
26 and existing wholly or in part for the provision of rehabilitation services in accord with an approved
27 rehabilitation plan.

28
29 **Subp. 28. Rehabilitation provider.** “Rehabilitation provider” means the following four categories of
30 rehabilitation professionals:

- 31 A. qualified rehabilitation consultants;
- 32 B. qualified rehabilitation consultant interns;
- 33 C. qualified rehabilitation consultant firms; and
- 34 D. ~~registered-rehabilitation~~ vendors.

35
36 **5220.0410 REHABILITATION PLAN.**

37
38 **Subp. 9. Administration of plan.** All rehabilitation services shall be provided to an employee pursuant
39 to Minnesota Statutes, section 176.102, as stated in the rehabilitation plan and any subsequent
40 amendments, and shall be administered exclusively by a person or business entity registered and
41 approved by the commissioner as a qualified rehabilitation consultant or a qualified rehabilitation
42 consultant firm.

43
44 The assigned qualified rehabilitation consultant shall monitor ~~registered-rehabilitation~~ vendor
45 compliance with the rehabilitation plan.

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46 Job development and job placement services shall be provided either by rehabilitation providers
47 registered by the commissioner or by a facility accredited by the National Commission on Accreditation
48 of Rehabilitation Facilities (CARF), Tucson, Arizona. The CARF Directory of Accredited Organizations
49 Serving People with Disabilities and its Standards Manual for Organizations Serving People with
50 Disabilities are incorporated by reference in part 5220.0105. The insurer may select the vendor of job
51 development or job placement services.

52

5220.0450 PLAN PROGRESS REPORT.

54

Subp. 4. Commissioner’s actions. Based on the information contained in the current plan progress
56 report and in other reports available to the commissioner, the commissioner may perform a more
57 thorough review of the rehabilitation effort. The purpose of the commissioner's review is to determine if
58 the plan is adequate to carry out the objectives of rehabilitation under Minnesota Statutes,
59 section 176.102, subdivision 1, paragraph (b). The commissioner's review may include, but is not
60 limited to the following:

61

- 62 A. requesting additional information from the assigned qualified rehabilitation consultant, the
63 qualified rehabilitation consultant firm, and the ~~registered~~-rehabilitation vendor;
- 64 B. conducting an on-site inspection during normal business hours of the assigned qualified
65 rehabilitation consultant's records for documentation of service provision according to the
66 rehabilitation plan; and
- 67 C. other actions pursuant to Minnesota Statutes, section 176.102, subdivision 6, paragraph (b), and
68 parts 5220.1800 to 5220.1806.

69

5220.0510 PLAN AMENDMENT AND CLOSURE.

70

Subp. 3. Requirements. The rehabilitation plan amendment shall be filed on the form prescribed by the
73 commissioner. The prescribed form shall contain substantially the following:

74

- 75 A. identifying information on the employee, employer, insurer, the assigned qualified rehabilitation
76 consultant, and any change of qualified rehabilitation consultant;
- 77 B. the proposed amendment;
- 78 C. a rationale for the amendment;
- 79 D. if the amendment adds rehabilitation services, an itemization of each additional rehabilitation
80 service to be provided including any ~~registered~~-rehabilitation vendor names, dates of initiation
81 and completion, and estimated costs of each service;
- 82 E. if the amendment will result in a change in the projected plan completion date, the new
83 completion date;
- 84 F. if the amendment will result in a change in the projected plan cost, the new estimated cost;
- 85 G. employee comments, if any; and
- 86 H. the dated signatures of the employee, insurer, and assigned qualified rehabilitation consultant.

5220.1250 ROLES OF REGISTERED REHABILITATION PROVIDERS.

87

88 An entity may be approved to provide rehabilitation services either as a ~~registered~~-rehabilitation vendor
89 or as a qualified rehabilitation consultant firm. An individual may be approved to provide rehabilitation

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90 services as a qualified rehabilitation consultant intern or, in cases of completion of internship and
91 registration renewal, as a qualified rehabilitation consultant.

92
93 A qualified rehabilitation consultant and a qualified rehabilitation consultant intern are approved
94 for the purpose of developing, administering, and implementing a rehabilitation plan, including the
95 provision of rehabilitation services, in accordance with Minnesota Statutes, chapter 176 and the rules
96 adopted to administer it.

97
98 A qualified rehabilitation consultant firm is approved for the purpose of employing qualified
99 rehabilitation consultants, qualified rehabilitation consultant interns, and other professional staff as
100 provided in part ~~5220.1600~~ 5220.1610.

101
102 A ~~registered~~ rehabilitation vendor is approved for the purpose of providing the workers'
103 compensation rehabilitation services of job development and job placement, vocational testing, and
104 transferrable skills analysis under an approved rehabilitation plan.

105
106 The roles of vendor and consultant are distinct and, therefore, a ~~registered~~ rehabilitation vendor
107 or its employee may not be, or function as, a qualified rehabilitation consultant firm, a qualified
108 rehabilitation consultant, or a qualified rehabilitation consultant intern. Nor may a qualified
109 rehabilitation consultant firm, qualified rehabilitation consultant, or qualified rehabilitation consultant
110 intern be or function as a ~~registered~~ rehabilitation vendor or as the agent of a vendor.

111
112 The distinction of roles between ~~registered~~ rehabilitation vendor and qualified rehabilitation
113 consultant means the following: A ~~registered~~ rehabilitation vendor and its employees may provide job
114 development and job placement services under an approved rehabilitation plan for any qualified
115 employee; a qualified rehabilitation consultant firm and its employees may provide job development and
116 job placement services only in cases for which a qualified rehabilitation consultant or qualified
117 rehabilitation consultant intern employed by that firm is the assigned qualified rehabilitation consultant.

118
119 There shall be no ownership or financial relationships of any kind between any ~~registered~~
120 rehabilitation vendor and qualified rehabilitation consultant firm, qualified rehabilitation consultant, or
121 qualified rehabilitation consultant intern.

122
123 The commissioner shall review the professional activities and services of rehabilitation providers
124 to determine if they are reasonable and comply with the standards of performance and professional
125 conduct contained in parts 5220.1800 and 5220.1801, the provisions of Minnesota Statutes, chapter 176,
126 parts 5220.0100 to 5220.1900, and orders issued under the statutes or rules.

127
128 **5220.1410 QUALIFIED REHABILITATION CONSULTANT INTERNS AND SUPERVISORS:**
129 **REQUIREMENTS AND PROCEDURES FOR REGISTRATION.**

130
131 **Subpart 1. Requirements and application to become a qualified rehabilitation consultant intern.**

132 For registration as a qualified rehabilitation consultant intern, the applicant must meet the following
133 requirements:

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- 134 A. A qualified rehabilitation consultant intern must be employed by a qualified rehabilitation
135 consultant firm.
- 136 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
137 complete application for qualified rehabilitation consultant intern registration that includes:
138 1. The applicant’s name, phone number, home address, designated mailing address (if different
139 from the home address), and email address;
140 2. The applicant’s social security number or individual taxpayer identification number and
141 Minnesota business identification number, as applicable, as required by Minnesota Statutes,
142 section 270C.72, subdivision 4;
143 3. The name of the qualified rehabilitation consultant firm that will employ the applicant and
144 the name of the applicant’s qualified rehabilitation consultant intern supervisor;
145 4. The projected date by which the applicant will obtain one of the certifications listed in
146 subpart 3, item M, or a master’s degree under subpart 3, item N;
147 5. A list of languages other than English that the applicant wants to be identified as proficient in
148 for providing rehabilitation services;
149 6. Agreement to immediately notify the department of any change in rehabilitation firm
150 employment status;
151 7. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
152 from the Minnesota border; and
153 8. The \$100 application fee.
- 154 C. The application must include a plan of supervision that contains a declaration signed by the
155 supervisor that the supervisor will comply with all of the requirements in subpart 4.
- 156 D. The applicant must attest that all information in the application is true.
- 157 E. Qualified rehabilitation consultant intern registration expires 36 consecutive months from the
158 date that it is approved. If a person’s qualified rehabilitation consultant intern registration expires
159 before the person completes all of the requirements in subpart 3 and files an application for
160 initial registration as a qualified rehabilitation consultant, the person must reapply for qualified
161 rehabilitation consultant intern registration and restart the internship from the beginning. The
162 person must complete the requirements in subpart 3, items A to K, after the date the subsequent
163 application for qualified rehabilitation consultant intern registration is approved, and must also
164 comply with subpart 3, items L and M.

165 **Subp. 2. Approval or denial of qualified rehabilitation consultant intern registration.**

- 166 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant
167 intern registration, the commissioner must approve or deny the application and notify the
168 applicant whether the application is approved or denied.
- 169 B. If the application is approved, the commissioner shall assign a registration number to the
170 qualified rehabilitation consultant intern.
- 171 C. The following constitute grounds for denial of the application:
172 1. The applicant failed to comply with the requirements in subpart 1;
173 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
174 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
175 standards of performance and professional conduct for professional activities and services of

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- 176 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
- 177 or
- 178 3. The applicant has outstanding fines or penalties with the department.
- 179 D. An applicant may appeal the commissioner’s order denying an application for qualified
- 180 rehabilitation consultant intern registration.
- 181 E. To appeal the commissioner’s order, the applicant must file a written request for hearing with
- 182 the commissioner within 30 days of service of the order denying the application.
- 183 F. The request for hearing will be referred to the rehabilitation review panel according to
- 184 Minnesota Statutes, section 176.102, subdivision 3.
- 185 G. Qualified rehabilitation consultant intern registration expires 36 consecutive months from the
- 186 date that it is approved. If a person’s qualified rehabilitation consultant intern registration
- 187 expires before the person completes all of the requirements in subpart 3 and files an application
- 188 for initial registration as a qualified rehabilitation consultant, the person must reapply for
- 189 qualified rehabilitation consultant intern registration and restart the internship from the
- 190 beginning. The person must not provide rehabilitation services to injured workers if the
- 191 registration expires before submission of a complete renewal application or before the
- 192 commissioner has approved or denied the application. The person must complete the
- 193 requirements in subpart 3, items A to K, after the date the subsequent application for qualified
- 194 rehabilitation consultant intern registration is approved, and must also comply with subpart 3,
- 195 items L and M.

Subp. 3. Requirements during the internship.

197 During the internship, a qualified rehabilitation consultant intern must:

- 198 A. Comply with the provisions of Minnesota Statutes, chapter 176; Minnesota Rules, parts
- 199 5220.0100 to 5220.1900; and any orders issued under these statutes or rules;
- 200 B. Complete an introductory orientation training session sponsored by the department within 12
- 201 months of approval of qualified rehabilitation consultant intern registration;
- 202 C. Complete all of the department’s rehabilitation provider update sessions;
- 203 D. Notify the commissioner within two weeks of a change in home address, designated mailing
- 204 address (if different from the home address), or employment with their registered rehabilitation
- 205 firm;
- 206 E. Notify the department when their supervisor changes, and ensure that the new supervisor
- 207 provides an updated plan of supervision as required under subpart 1, paragraph C;
- 208 F. Work as the assigned qualified rehabilitation consultant intern on 12 or more rehabilitation plans
- 209 under Minnesota Statutes, section 176.102;
- 210 G. Work providing rehabilitation services for at least 1000 billable hours:
- 211 1. At least 100 billable hours must be in the areas of job seeking skills training, job
- 212 development, and job placement; and
- 213 2. At least 900 billable hours must be the provision of other rehabilitation services including
- 214 vocational counseling, medical management, transferable skills analysis, vocational testing,
- 215 labor market analysis, and coordination of return to work with the same employer;
- 216 H. Ensure that all documents bearing the name of the intern designate the intern as a “qualified
- 217 rehabilitation consultant intern” and include the intern’s registration number;
- 218 I. Be the rehabilitation consultant of record for at least one of each of the following complete
- 219 reports:
- 220

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- 221 1. Rehabilitation Consultation Report that explains the basis for the eligibility determination;
- 222 2. Rehabilitation Plan with an initial evaluation narrative report that includes medical status,
- 223 vocational history, educational history, social history, relevant economic factors, transferable
- 224 skills, employment barriers, and recommendations;
- 225 3. Plan Progress Report or Rehabilitation Plan Amendment with a narrative report that
- 226 identifies barriers to the employee’s successful completion of the rehabilitation plan and the
- 227 measures the intern planned to overcome each of the identified barriers; and
- 228 4. Notice of Rehabilitation Plan Closure with a narrative summary report that includes all
- 229 rehabilitation plan services provided;
- 230 J. Prepare at least one of each of the following complete reports, or, if necessary due to inability to
- 231 complete a required report under an assigned rehabilitation plan, contact the department to
- 232 confirm that the intern can complete the report outside of their assigned files:
- 233 1. A narrative report that shows the intern’s understanding of vocational testing;
- 234 2. A narrative report that shows the intern’s understanding of a transferable skills analysis; and
- 235 3. A labor market survey that shows the intern’s understanding of the injured employee’s
- 236 qualifications, work restrictions, and labor market conditions;
- 237 K. Obtain one of the following certifications by the completion of the internship, except as provided
- 238 in item L:
- 239 1. Certified Rehabilitation Counselor (CRC) from the Commission on Rehabilitation Counselor
- 240 Certification; or
- 241 2. Certified Disability Management Specialist (CDMS) from the Certification of Disability
- 242 Management Specialist;
- 243 L. Instead of obtaining one of the certifications in item L, obtain or hold a master’s degree in
- 244 vocational rehabilitation or rehabilitation counseling through a program accredited by the
- 245 Council for Accreditation of Counseling and Related Educational Programs (CACREP).
- 246

Subp. 4. Requirements for supervisors of qualified rehabilitation consultant interns.

A qualified rehabilitation consultant intern supervisor agrees to be responsible for all of the intern’s rehabilitation work. During the internship, the supervisor must:

- 250 A. Review the rehabilitation statutes and rules with the intern before the intern meets with an
- 251 injured employee for the first time and throughout the internship as needed to ensure the intern’s
- 252 compliance with the statutes and rules;
- 253 B. Not bill for supervisory duties;
- 254 C. Monitor the intern’s progress towards completing the internship;
- 255 D. Attend all administrative conferences and hearings with the intern and ensure that the intern
- 256 reviews the rehabilitation file and is prepared to respond to questions relevant to the subject of
- 257 the conference, including questions about the rehabilitation plan, payment for rehabilitation
- 258 services, and the reasonableness and necessity of rehabilitation services; and
- 259 E. Review all written work that substantively applies to the scope of a rehabilitation plan for any
- 260 file assigned to the QRC intern.
- 261 F. If the intern leaves employment with the firm and is not continuing to provide rehabilitation
- 262 services, coordinate the transfer of the intern’s files so that injured employees continue to receive
- 263 rehabilitation services in accordance with part 5220.0710.
- 264 G. The supervisor must have been registered as a qualified rehabilitation consultant for at least three
- 265 years.

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5220.1510 QUALIFIED REHABILITATION CONSULTANTS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

Subpart 1. Completion of qualified rehabilitation consultant internship and requirements to become a qualified rehabilitation consultant.

For initial registration as a qualified rehabilitation consultant, the applicant must meet the following requirements:

- A. A qualified rehabilitation consultant (QRC) must be employed by a qualified rehabilitation consultant firm or their own QRC firm which must be registered as a QRC firm with the department.
- B. At the time the applicant files the initial application for qualified rehabilitation consultant registration:
 - 1. The applicant must be registered as a qualified rehabilitation consultant intern;
 - 2. The applicant must have been registered as a qualified rehabilitation consultant intern for at least 12 months; and
 - 3. Within 36 months after the date the applicant most recently became registered as a qualified rehabilitation consultant intern, the applicant must have completed the requirements specified in part 5220.1410, subpart 3.
- C. The applicant must file a complete initial application for qualified rehabilitation consultant registration with the commissioner in the format prescribed that includes:
 - 1. The applicant’s name, phone number, home address, designated mailing address (if different from the home address), and email address;
 - 2. The applicant’s social security number or individual taxpayer identification number and Minnesota business identification number, as applicable, as required by Minnesota Statutes, section 270C.72, subdivision 4;
 - 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
 - 4. The date the applicant completed the department’s orientation session;
 - 5. Each date the applicant completed one of the department’s rehabilitation provider update sessions;
 - 6. A list of languages other than English that the applicant wants to be identified as being proficient in for providing rehabilitation services;
 - 7. Documentation from the applicant’s qualified rehabilitation consultant intern supervisor certifying that the applicant complied with each of the requirements in 5220.1410, subpart 3, items H through M;
 - 8. Proof that the applicant has obtained one of the certifications listed in 5220.1410, subpart 3, item M, or a master’s degree as provided in 5220.1410, subpart 3, item N;
 - 9. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road from the Minnesota border; and
 - 10. The registration fee of \$100.
- D. The applicant must attest that all information in the application is true.

Subp. 2. Approval or denial of initial application.

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- 309 A. Within 60 days after receiving a complete initial application for qualified rehabilitation
310 consultant registration, the commissioner must approve or deny the application and notify the
311 applicant whether the application is approved or denied.
- 312 B. If the application is approved, the commissioner shall assign a registration number to the
313 qualified rehabilitation consultant.
- 314 C. The following constitute grounds for denial of the application:
315 1. The applicant failed to comply with the requirements in subpart 1;
316 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
317 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
318 standards of performance and professional conduct for professional activities and services of
319 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
320 or
321 3. The applicant has outstanding fines or penalties with the department.
- 322 D. The qualified rehabilitation consultant registration expires one year from the date the application
323 is approved.
- 324

Subp. 3. Renewal of qualified rehabilitation consultant registration.

326 To annually renew registration as a qualified rehabilitation consultant, the applicant must meet the
327 following requirements:

- 328 A. A qualified rehabilitation consultant must be employed by a qualified rehabilitation consultant
329 firm.
- 330 B. The applicant must file with the commissioner in the format prescribed by the commissioner a
331 complete renewal application for qualified rehabilitation consultant registration that includes:
332 1. The applicant’s name, phone number, home address, designated mailing address (if different
333 from the home address), and email address;
334 2. The applicant’s social security number or individual taxpayer identification number and
335 Minnesota business identification number as applicable, as required by Minnesota Statutes,
336 section 270C.72, subdivision 4;
337 3. The name of the qualified rehabilitation consultant firm where the applicant is employed;
338 4. The most recent date when the applicant completed one of the department’s rehabilitation
339 provider update sessions;
340 5. Affirmation that the applicant has Minnesota residency or residency within 100 miles by road
341 from the Minnesota border;
342 6. One of the following, except as provided in paragraph C:
343 i. A copy of the applicant’s certification as a Certified Rehabilitation Counselor (CRC) or a
344 Certified Disability Management Specialist (CDMS); or
345 ii. If the applicant has a master’s degree as provided in 5220.1410, subpart 3, item M, copies
346 of certificates showing that the applicant completed 20 continuing education credits
347 approved by the Commission on Rehabilitation Counselor Certification or the
348 Certification of Disability Management Specialist in the year preceding the filing of the
349 renewal application; the certificates cannot have been submitted in the previous year’s
350 renewal application; and
351 7. The registration fee of \$100.
- 352 C. A qualified rehabilitation consultant registered with the commissioner before July 1, 2005, and
353 continuously registered since that date, may either continue to meet the certification

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- 354 requirements in effect at the time of initial registration or meet one of the requirements in
355 paragraph B, subitem 6.
- 356 D. The applicant must have completed the department’s most recent rehabilitation provider update
357 session. The applicant may complete satisfy this requirement by attending an in-person session
358 or, if they could not attend the most recent session, attesting that they have viewed the recordings
359 of the most recent session.
- 360 E. The applicant must not provide rehabilitation services to injured workers if the applicant’s
361 registration expires before submission of a complete renewal application or before the
362 commissioner has approved or denied the application pursuant to subpart 5.
- 363 F. The applicant must attest that all information in the application is true.

Subp. 4. Gap in qualified rehabilitation consultant registration.

366 To ensure there is not a gap in qualified rehabilitation consultant registration, the applicant must submit
367 the renewal application for qualified rehabilitation consultant registration at least 60 days before
368 expiration of the applicant’s current registration. If an applicant’s qualified rehabilitation consultant
369 registration expired more than 12 months before the applicant files a renewal application for qualified
370 rehabilitation consultant registration, the applicant must complete the department’s orientation session
371 within 12 months before or after the applicant files the renewal application.

Subp. 5. Approval or denial of renewal application.

- 374 A. Within 60 days after receiving a complete renewal application for qualified rehabilitation
375 consultant registration, the commissioner must approve or deny the application and notify the
376 applicant whether the application is approved or denied.
- 377 B. The following constitute grounds for denial of the application:
 - 378 1. The applicant failed to comply with the requirements in subpart 3;
 - 379 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
380 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
381 standards of performance and professional conduct for professional activities and services of
382 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
383 or
 - 384 3. The applicant has outstanding fines or penalties with the department.
- 385 C. If the commissioner denies a renewal application under item B, subitem 2, and the denial is final
386 because the qualified rehabilitation consultant did not file a timely request for hearing or a
387 hearing was timely requested and all appeals have been exhausted, another renewal application
388 may be filed only if the requirements of subitem 1 or subitem 2 are met.
 - 389 1. The former qualified rehabilitation consultant may file another renewal application if the
390 applicant has entered into a stipulated agreement with the commissioner regarding the
391 violations of statute, rule, or order that were cited as the basis for denial of the renewal
392 application and the stipulation allows the former qualified rehabilitation consultant to reapply
393 after a specified period of time; or
 - 394 2. The former qualified rehabilitation consultant may file another renewal application if six
395 months have passed since the denial of the previous renewal application became final, and
396 the subsequent application is accompanied by a statement and documentation that shows
397 what the applicant has done and will do to ensure that the applicant complies with Minnesota

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

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398 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, and any orders issued
399 under those statutes or rules.

400 The commissioner must approve or deny the new renewal application according to items A and
401 B of this subpart and, if applicable, after determining whether the applicant’s statement and
402 documentation in subitem 2 demonstrates that the applicant is not likely to violate Minnesota
403 Statutes, chapter 176, Minnesota Rules, parts 5220.0100 to 5220.1900, or any orders issued
404 under those statutes or rules.

405 D. If the applicant was registered as a qualified rehabilitation consultant on the date that the
406 commissioner received the application, the qualified rehabilitation consultant registration expires
407 one year after the applicant’s current registration was set to expire.

408 E. If the applicant was not registered as a qualified rehabilitation consultant on the date that the
409 commissioner received the application, the qualified rehabilitation consultant registration expires
410 one year from the date the application is approved.

411

412 **Subp. 6. Appeal process for denials.**

413 A. An applicant may appeal the commissioner’s order denying an initial application for qualified
414 rehabilitation consultant registration or a renewal application for qualified rehabilitation
415 consultant registration.

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

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

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

422

423 **5220.1610 QUALIFIED REHABILITATION CONSULTANT FIRMS: REQUIREMENTS AND**
424 **PROCEDURES FOR REGISTRATION.**

425

426 **Subpart 1. Requirements for qualified rehabilitation consultant firms.** At all times while registered
427 with the commissioner, a qualified rehabilitation consultant firm must meet the requirement in items A
428 through I.

429 A. The firm must be owned by:

430 1. An individual who is a qualified rehabilitation consultant; or

431 2. An entity registered with and in good standing with the Minnesota Secretary of State.

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

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

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- 441 D. The firm must maintain at least one office in Minnesota or within 100 miles by road from the
442 Minnesota border. If a firm does not maintain at least one office in Minnesota or within 100
443 miles by road from the Minnesota border on the effective date of these rules, the firm must
444 comply with this part within 90 days of receiving written notice of the requirement from the
445 department.
- 446 E. The firm must not provide rehabilitation services unless the qualified rehabilitation consultant or
447 qualified rehabilitation consultant intern assigned to the injured employee’s case file is an
448 employee of the firm.
- 449 F. The firm must ensure that each employee who provides rehabilitation services to injured
450 employees attends all department rehabilitation provider update sessions.
- 451 G. If the firm hires a new, non-registered employee who will provide rehabilitation services to
452 injured employees, that employee must, within 12 months of employment, complete the
453 department’s orientation session.
- 454 H. The firm must retain each of the firm’s injured worker case files for at least five years after the
455 date of file closure.
- 456 I. If there is a change to the information previously provided to the department on the firm’s
457 registration application, including any change in employees who provide rehabilitation services
458 to injured workers, the firm must report the change to the department.

459
460 **Subp. 2. Staffing Requirements.** At all times while registered with the commissioner, a qualified
461 rehabilitation consultant firm must meet the following staffing requirements:

- 462
463 A. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation
464 services to qualified employees shall be qualified rehabilitation consultants or qualified
465 rehabilitation consultant interns.
- 466 B. Any firm employing four or fewer full-time qualified rehabilitation consultants or qualified
467 rehabilitation consultant interns may employ up to two employees who are not qualified
468 rehabilitation consultants or qualified rehabilitation interns who may, under the direct
469 supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation
470 consultant intern, provide the services of job analysis, job seeking skills training, job
471 development, and job placement. However, as restricted by part 5220.1250, employees who are
472 not qualified rehabilitation consultants or qualified rehabilitation consultant interns may provide
473 these prescribed services only in cases for which a qualified rehabilitation consultant or qualified
474 rehabilitation consultant intern employed by the same firm is the assigned qualified rehabilitation
475 consultant.

476
477 **Subp. 3. Qualified rehabilitation consultant firm registration.** For registration as a qualified
478 rehabilitation consultant firm, the applicant must meet the following requirements:

- 479 A. The applicant must file a complete application for qualified rehabilitation consultant firm
480 registration in the format prescribed by the commissioner that includes:
 - 481 1. The applicant’s name and Minnesota business identification number, as required by
482 Minnesota Statutes, section 270C.72, subdivision 4;
 - 483 2. Every business address where the applicant will provide rehabilitation services;

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- 484 3. If the firm is owned by an individual, that individual’s phone number, email address, home
485 address, social security number, and any state and federal employer identification numbers;
- 486 4. If the firm is not owned by an individual:
 - 487 i. The name and address of the firm’s agent registered with the Secretary of State;
 - 488 ii. A different name and address for legal service on the firm, if the firm chooses to accept
489 legal service from the department at an address different from the registered address; and
 - 490 iii. The name, address, email, and telephone number of the full-time member of the
491 management staff who is a qualified rehabilitation consultant;
- 492 5. The name and job title of each employee, an indication whether the employee will provide
493 rehabilitation services to injured employees, and their job title;
- 494 6. For each employee who has provided or will provide rehabilitation services to injured
495 employees, the most recent date the employee completed the department’s rehabilitation
496 provider update session;
- 497 7. Proof of workers’ compensation insurance or an explanation of why no workers’
498 compensation insurance is required;
- 499 J. Affirmation that one of the offices where the applicant will provide rehabilitation services is
500 located in Minnesota or within 100 miles by road from the Minnesota border; and
- 501 8. The registration fee of \$200.
- 502 B. If the application is for renewal of qualified rehabilitation consultant firm registration and the
503 applicant does not want a gap in registration, the applicant must submit the renewal application
504 at least 60 days before expiration of the applicant’s current registration.
- 505 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
506 registration expires before submission of a complete renewal application or before the
507 commissioner has approved or denied the application.
- 508 D. The applicant must attest that all information in the application is true and that the applicant
509 meets or will meet all the requirements of subpart 1.

510 **Subp. 4. Approval or denial of application.**

- 511 A. Within 60 days after receiving a complete application for qualified rehabilitation consultant firm
512 registration, the commissioner must approve or deny the application and notify the applicant
513 whether the application is approved or denied. The following constitute grounds for denial of the
514 application:
 - 515 1. The applicant failed to comply with the requirements of subpart 1;
 - 516 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
517 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
518 standards of performance and professional conduct for professional activities and services of
519 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
520 or
 - 521 3. The applicant has outstanding fines or penalties with the department.
- 522 B. If the commissioner approves the application, the commissioner shall assign a registration
523 number to the qualified rehabilitation consultant firm.
- 524 C. If the applicant was registered as a qualified rehabilitation consultant firm on the date that the
525 commissioner received the application, the qualified rehabilitation consultant firm registration
526 expires one year after the applicant’s current registration was set to expire.

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- 527 D. If the applicant was not registered as a qualified rehabilitation consultant firm on the date that the
- 528 commissioner received the application, the qualified rehabilitation consultant firm registration
- 529 expires one year from the date the application is approved.
- 530

Subp. 5. Appeal process for denials.

- 531 A. An applicant may appeal the commissioner’s order denying an application for qualified
- 532 rehabilitation consultant firm registration.
- 533 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
- 534 commissioner within 30 days of service of the order denying the application.
- 535 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 536 Statutes, section 176.102, subdivision 3.
- 537 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 538 of the denial until final disposition of the appeal.
- 539
- 540

Subp. 6. Transfer of rehabilitation plans.

541 If the registration of a qualified rehabilitation consultant firm expires, then the qualified rehabilitation

542 consultant who owns the firm or is a member of the firm’s management staff must ensure that the firm’s

543 active rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified

544 rehabilitation consultant firm as required by part 5220.1802, subpart 4a.

545

546

5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.

547 **Subpart 1. Requirements for rehabilitation vendors.** At all times while registered with the

548 commissioner, a rehabilitation vendor must meet the requirements in items A through K.

549

- 550 A. The rehabilitation vendor must be owned by:
- 551 1. An individual; or
- 552 2. An entity registered with and in good standing with the Minnesota Secretary of State.
- 553 B. The rehabilitation vendor must maintain workers’ compensation insurance if required by
- 554 Minnesota Statutes, chapter 176.
- 555 C. The rehabilitation vendor must maintain at least one office where services to injured employees
- 556 are provided in Minnesota or within 100 miles by road from the Minnesota border. If a vendor
- 557 does not maintain at least one office in Minnesota or within 100 miles by road from the
- 558 Minnesota border on the effective date of these rules, the vendor must comply with this part
- 559 within 90 days of receiving written notice of the requirement from the department.
- 560 D. The rehabilitation vendor must cooperate in any request for information or investigation by the
- 561 department.
- 562 E. The rehabilitation vendor may only provide rehabilitation services to injured employees under an
- 563 approved rehabilitation plan.
- 564 F. The rehabilitation vendor must promptly communicate with the assigned qualified rehabilitation
- 565 consultant or qualified rehabilitation consultant intern regarding all rehabilitation services that
- 566 the rehabilitation vendor provides to injured employees.
- 567 G. Each employee of the rehabilitation vendor who provides rehabilitation services to injured
- 568 employees must attend all department rehabilitation provider update sessions.
- 569
- 570

DRAFT of Possible Changes to Rules Governing Registration of Rehabilitation Providers.

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- 571 H. If the rehabilitation vendor hires a new employee who will provide rehabilitation services to
572 injured employees, that employee must, within 12 months of employment, complete the
573 department's orientation session.
- 574 I. Within two weeks after closing a case file, the rehabilitation vendor must provide the case file to
575 the qualified rehabilitation consultant firm that employed the qualified rehabilitation consultant
576 or qualified rehabilitation consultant intern assigned to the file.
- 577 J. Within two weeks of the change, the rehabilitation vendor must report to the department any
578 change in any of the information provided to the department on the rehabilitation vendor's
579 registration application, including any change in employees who provide rehabilitation services
580 to injured employees.
- 581 K. The rehabilitation vendor must not employ or otherwise engage the services of a qualified
582 rehabilitation consultant.

583
584 **Subp. 2. Rehabilitation vendor registration.** For registration as a rehabilitation vendor, the applicant
585 must meet the following requirements:

- 586 A. The applicant must file a complete application for rehabilitation vendor registration in the format
587 prescribed by the commissioner that includes:
 - 588 1. The applicant's name and every business address where the applicant will provide
589 rehabilitation services to injured employees;
 - 590 2. The applicant's taxpayer identification number and Minnesota business identification
591 number, as required by Minnesota Statutes, section 270C.72, subdivision 4;
 - 592 3. If the rehabilitation vendor is owned by an individual, that individual's phone number, email
593 address, home address, social security number, and any state and federal employer
594 identification numbers;
 - 595 4. If the rehabilitation vendor is not owned by an individual:
 - 596 i. The name, address, phone number, and email address of the rehabilitation vendor's agent
597 registered with the Secretary of State;
 - 598 ii. A different name and address for legal service on the rehabilitation vendor, if the
599 rehabilitation vendor chooses to accept legal service from the department at an address
600 different from the registered address;
 - 601 5. The name and job title of each current employee of the rehabilitation vendor and an
602 indication of whether each employee will provide rehabilitation services to injured
603 employees;
 - 604 6. For each employee who has provided or will provide rehabilitation services to injured
605 employees, and the most recent date the employee completed the department's rehabilitation
606 provider update session;
 - 607 7. The name of each manager of the rehabilitation vendor;
 - 608 8. Proof of workers' compensation insurance or an explanation of why no workers'
609 compensation insurance is required;
 - 610 9. Affirmation that one of the offices where the applicant will provide rehabilitation services to
611 injured employees is located in Minnesota or within 100 miles by road from the Minnesota
612 border; and

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- 613 10. The registration fee of \$200.
- 614 B. If the application is for renewal of rehabilitation vendor registration and the applicant wants there
- 615 to be no gap in registration, the applicant must submit the renewal application at least 60 days
- 616 before expiration of the applicant’s current registration.
- 617 C. The applicant must not provide rehabilitation services to injured workers if the applicant’s
- 618 registration expires before submission of a complete renewal application or before the
- 619 commissioner has approved or denied the application.
- 620 D. The applicant must attest that all information in the application is true and that the applicant
- 621 meets or will meet all the requirements of subpart 1.

Subp. 3. Approval or denial of application.

- 622 A. Within 60 days after receiving a complete application for rehabilitation vendor registration, the
- 623 commissioner must approve or deny the application and notify the applicant whether the
- 624 application is approved or denied. The following constitute grounds for denial of the application:
- 625 1. The applicant failed to comply with the requirements of subpart 1;
- 626 2. The applicant failed to comply with the provisions of Minnesota Statutes, chapter 176,
- 627 Minnesota Rules, parts 5220.0100 to 5220.1900, including the requirement regarding
- 628 standards of performance and professional conduct for professional activities and services of
- 629 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
- 630 or
- 631 3. The applicant has outstanding fines or penalties with the department.
- 632 B. If the commissioner approves the application, the commissioner shall assign a registration
- 633 number to the rehabilitation vendor.
- 634 C. If the applicant was registered as a rehabilitation vendor on the date that the commissioner
- 635 received the application, the rehabilitation vendor registration expires one year after the
- 636 applicant’s current registration was set to expire.
- 637 D. If the applicant was not registered as a rehabilitation vendor on the date that the commissioner
- 638 received the application, the rehabilitation vendor registration expires one year from the date the
- 639 application is approved.
- 640
- 641

Subp. 4. Appeal process for denials.

- 642 A. An applicant may appeal the commissioner’s order denying an application for rehabilitation
- 643 vendor registration.
- 644 B. To appeal the commissioner’s order, the applicant must file a written request for hearing with the
- 645 commissioner within 30 days of service of the order denying the application.
- 646 C. The request for hearing will be referred to the rehabilitation review panel according to Minnesota
- 647 Statutes, section 176.102, subdivision 3.
- 648 D. The filing of a timely request for hearing on an order denying an application will stay the effect
- 649 of the denial until final disposition of the appeal.
- 650
- 651

5220.1750 VOCATIONAL REHABILITATION UNIT.

652 The vocational rehabilitation unit of the Department and its employees are exempt from payment of the

653 fees in parts 5220.1410, 5220.1510, and 5220.1610.

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656 **5220.1801 PROFESSIONAL CONDUCT.**

657

658 **Subpart 1. Prompt provision of service and assessment of progress.**

659 The assigned qualified rehabilitation consultant and any ~~registered~~-rehabilitation vendor providing
660 rehabilitation services under a plan shall provide prompt and necessary rehabilitation services to assist a
661 qualified employee to return to suitable gainful employment. The qualified rehabilitation consultant
662 shall periodically assess progress toward plan objectives.

663

664

665

[See MR for subparts 2--7]

666 **Subp. 8. Separate roles and functions.**

667 A. The roles and functions of a claims agent and a rehabilitation provider are separate. A qualified
668 rehabilitation consultant, qualified rehabilitation consultant intern, ~~registered~~-rehabilitation
669 vendor, or an agent of a rehabilitation provider, shall engage only in those activities designated
670 in Minnesota Statutes, section 176.102, and rules adopted thereunder.

671 B. A qualified rehabilitation consultant, qualified rehabilitation consultant intern, or ~~registered~~
672 rehabilitation vendor shall not act as an advocate for or advise any party about a claims or
673 entitlement issue. Except as permitted by item C, qualified rehabilitation consultants, qualified
674 rehabilitation consultant interns, and ~~registered~~-rehabilitation vendors shall at no time in any
675 capacity engage in any of the following activities regarding any claim for workers' compensation
676 benefits pursuant to Minnesota Statutes, chapter 176:

677

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(1) claims adjustment;

(2) claims investigation;

(3) determining liability or setting reserves for a claim;

(4) authorizing or denying provision of future medical or rehabilitation services;

(5) recommending, authorizing, or denying payment of medical or rehabilitation bills;

(6) making recommendations about the determination of workers' compensation
monetary benefits;

(7) arranging for medical examinations not recommended by the treating doctor; or

(8) arranging for or participating in surveillance or investigative services.

686 C. This subpart shall not prohibit a registered rehabilitation provider from engaging in the activities
687 in item B, subitems (4) and (5), while providing medical case management services for a certified
688 managed care plan to the extent permitted by part 5218.0760. However, a medical case manager
689 for an employee covered by a certified managed care plan may not be the assigned qualified
690 rehabilitation consultant for that same employee.

691

692

693

This subpart shall not prohibit a qualified rehabilitation consultant acting on behalf of the
reinsurance association from consulting with the assigned qualified rehabilitation consultant
regarding the rehabilitation plan.

694

695 **5220.1802 COMMUNICATIONS.**

696

697 **Subp. 4. ~~Registered~~-rehabilitation vendor reporting.**

698 At least each 30 days, the ~~registered~~-rehabilitation vendor shall submit all required progress records,
699 required rehabilitation reports and cost information on an employee's case directly to the assigned

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700 qualified rehabilitation consultant with copies to the employee, the insurer, and their attorneys, and also
701 to the employer upon the employer’s request.

702
703 **5220.1900 REHABILITATION SERVICE FEES AND COSTS.**

704
705 Subp. 1e. **Job development and placement services.** Whether provided by ~~registered~~ rehabilitation
706 vendors or qualified rehabilitation consultant firms, job development and job placement services, when
707 billed on an hourly basis, shall be billed at an hourly rate not to exceed \$82.58 per hour as adjusted
708 under subpart 1b.

709
710 **[See MR for subparts 1g—6b]**

711
712 Subp. 7. **Case activities that require approval or are not billable.** The services and activities
713 described in items A and B either require approval or are not billable by the rehabilitation provider.

714
715 A. The following services and activities are not compensable unless the rehabilitation plan specifies
716 them, the insurer approves them, or the commissioner or a compensation judge determines that they
717 were reasonable and necessary under subpart 2:

718 (1) phone calls or visits to health care providers and accompanying the employee to
719 appointments or examinations; or

720 (2) time spent by a supervisor or another qualified rehabilitation consultant consulting with or
721 advising the assigned qualified rehabilitation consultant.

722
723 B. Rehabilitation providers shall not bill for the following services, activities, or charges:

724 (1) phone calls to the department regarding general procedures or questions about rehabilitation
725 not related to a specific rehabilitation plan;

726 (2) unanswered attempted phone calls where the rehabilitation provider does not leave a
727 message;

728 (3) time for attendance at an administrative conference by the supervisor of the qualified
729 rehabilitation consultant intern who is providing services to the employee;

730 (4) time spent reviewing the file by an assigned qualified rehabilitation consultant or ~~registered~~
731 rehabilitation vendor when a case has been transferred from another qualified rehabilitation consultant
732 or ~~registered~~ rehabilitation vendor within the same rehabilitation firm;

733 (5) wait time exceeding 15 minutes for early arrival for a prearranged meeting or appointment; or

734 (6) charges beyond the hourly fee for testimony at a hearing or administrative conference when
735 the qualified rehabilitation consultant or ~~registered~~ rehabilitation vendor has provided rehabilitation
736 services under the plan.

737
738 Repealer. Minnesota Rules, parts 5220.1400, 5220.1500, 5220.1600, and 5220.1700 are repealed.