

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Relating to Workers' Compensation Vocational Rehabilitation Fees

AGENCY: Department of Labor and Industry

REVISOR ID: R-4438

MINNESOTA RULES: Chapter 5220



The attached rules are approved for
filing with the Secretary of State


Sheree Speer
Assistant Deputy Revisor

190409

1.1 **Department of Labor and Industry**

1.2 **Adopted Permanent Rules Relating to Workers' Compensation Vocational**
1.3 **Rehabilitation Fees**

1.4 **5220.1900 REHABILITATION SERVICE FEES AND COSTS.**

1.5 *[For text of subps 1 and 1a, see M.R.]*

1.6 Subp. 1b. **Fees.** Hourly fees for rehabilitation services shall not exceed the maximum
1.7 rates in subparts 1c, 1d, and 1e, except that the maximum rates may be adjusted annually
1.8 according to Minnesota Statutes, section 176.102, subdivision 2, paragraph (a), beginning
1.9 October 1, 2018. Any annual increase is limited by the annual adjustment for injured
1.10 employees under Minnesota Statutes, section 176.645.

1.11 Subp. 1c. **Consultants.** When billing on an hourly basis for the services of qualified
1.12 rehabilitation consultants, a qualified rehabilitation consultant or qualified rehabilitation
1.13 consultant firm shall bill at an hourly rate not to exceed \$103.10 per hour as adjusted under
1.14 subpart 1b. A rehabilitation provider shall bill one-half of the hourly rate for wait time, and
1.15 three-fourths of the hourly rate for travel time. Travel time shall be prorated as outlined in
1.16 part 5220.1805, item E.

1.17 *[For text of subp 1d, see M.R.]*

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

1.22 Subp. 1f. [See repealer.]

1.23 Subp. 1g. **Payment.** As soon as reasonably possible, and no later than 30 calendar
1.24 days after receiving the rehabilitation provider's bill for rehabilitation services, the employer
1.25 or insurer shall pay the charge or any portion of the charge that is not denied, deny all or a

2.1 part of the charge stating the specific service charge and the reason it is excessive or
2.2 unreasonable, or specify the additional data needed, with written notification to the
2.3 rehabilitation provider. An employer or insurer is subject to penalties pursuant to Minnesota
2.4 Statutes, chapter 176, for failure to pay or deny the payment as required by this chapter and
2.5 Minnesota Statutes, section 176.102.

2.6 Subp. 2. **Reasonable and necessary services.** A rehabilitation provider shall bill for
2.7 only those necessary and reasonable services that are rendered according to Minnesota
2.8 Statutes, section 176.102, and the rules adopted to administer that section. A dispute about
2.9 reasonable and necessary services and costs shall be determined by the commissioner or a
2.10 compensation judge. The commissioner's or a compensation judge's review must include
2.11 all the following factors:

2.12 *[For text of items A to D, see M.R.]*

2.13 *[For text of subps 3 to 6, see M.R.]*

2.14 Subp. 6a. **Payment limits on qualified rehabilitation consultant services.** When a
2.15 rehabilitation provider other than a qualified rehabilitation consultant is providing and billing
2.16 for job development or job placement services pursuant to an approved rehabilitation plan,
2.17 payment for more than six hours of qualified rehabilitation consultant services per calendar
2.18 month requires specific approval by the insurer or a determination by the commissioner or
2.19 a compensation judge that the services were reasonable and necessary under subpart 2.
2.20 Travel time and wait time are not included in the six-hour limit.

2.21 Subp. 6b. **Plans; exceptions.** The qualified rehabilitation consultant shall bill no more
2.22 than eight hours for a rehabilitation consultation as described in Minnesota Statutes, section
2.23 176.102, subdivision 4, and part 5220.0100, subpart 26, and the development, preparation,
2.24 and filing of a rehabilitation plan as described in Minnesota Statutes, section 176.102,
2.25 subdivision 4, and part 5220.0410. If conditions exist that necessitate traveling over 50
2.26 miles to visit the employee, employer, or health care provider, or an unusually difficult

3.1 medical situation is documentable, payment beyond this limit is allowed upon specific
3.2 approval by the insurer or a determination by the commissioner or a compensation judge
3.3 that the services were reasonable and necessary under subpart 2.

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

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

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

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

3.14 B. Rehabilitation providers shall not bill for the following services and₂ activities₂
3.15 or charges:

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

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

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

3.22 (4) time spent reviewing the file by an assigned qualified rehabilitation
3.23 consultant or registered rehabilitation vendor when a case has been transferred from another

4.1 qualified rehabilitation consultant or registered rehabilitation vendor within the same
4.2 rehabilitation firm; ~~or~~

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

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

4.8 *[For text of subps 8 and 9, see M.R.]*

4.9 **REPEALER.** Minnesota Rules, part 5220.1900, subpart 1f, is repealed.

August 20, 2018

VIA EMAIL ONLY

Nancy Breems
Secretary of State, Elections Division
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St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

**Re: *In the Matter of the Proposed Amendments to Rules Relating to
Workers' Compensation Vocational Rehabilitation Fees*
OAH 8-9001-35178; Revisor R-4438**

Dear Ms. Breems:

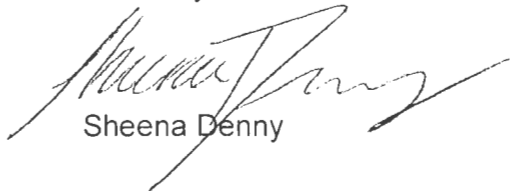
Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Matthew P. Jobe
Department of Labor & Industry
Office of General Counsel
443 Lafayette Road North
Saint Paul, MN 55155
matthew.jobe@state.mn.us

If you have any questions regarding this matter, please contact Katie Lin at
(651) 361-7911 or katie.lin@state.mn.us.

Sincerely,



Sheena Denny

Enclosures

cc: Matthew P. Jobe (via email)