

Office of the Revisor of Statutes

Administrative Rules



TITLE: Adopted Permanent Rules Governing Registration of Rehabilitation Providers

AGENCY: Department of Labor and Industry

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MINNESOTA RULES: Chapter 5220

INCORPORATIONS BY REFERENCE:

Part 5220.0105: The Dictionary of Occupational Titles, fourth edition, 1991, United States Department of Labor is incorporated by reference only to the extent specifically referenced in chapter 5220. It is not subject to frequent change and is available online at occupationalinfo.org.

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

A handwritten signature in black ink, appearing to read "Sheree Speer".

Sheree Speer
Chief Deputy Revisor

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Department of Labor and Industry

Adopted Permanent Rules Governing Registration of Rehabilitation Providers

5220.0100 DEFINITIONS.

[For text of subparts 1 to 22, see Minnesota Rules]

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

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

Subp. 23b. Qualified rehabilitation consultant intern supervisor. "Qualified rehabilitation consultant intern supervisor" means a person who provides direct supervision, guidance, and work experience to a qualified rehabilitation consultant intern for the successful completion of the internship according to part 5220.1410.

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

Subp. 25. **Rehabilitation vendor.** "Rehabilitation vendor" means a public or private entity registered by the commissioner according to part 5220.1710 and existing wholly or in part for the provision of rehabilitation services in accord with an approved rehabilitation plan.

[For text of subparts 26 and 27, see Minnesota Rules]

Subp. 28. **Rehabilitation provider.** "Rehabilitation provider" means the following four categories of rehabilitation professionals:

[For text of items A to C, see Minnesota Rules]

D. rehabilitation vendors.

[For text of subparts 29 to 40, see Minnesota Rules]

5220.0105 INCORPORATION BY REFERENCE.

The Dictionary of Occupational Titles, fourth edition, 1991, United States Department of Labor is incorporated by reference only to the extent specifically referenced in chapter 5220. It is not subject to frequent change and is available online at occupationalinfo.org.

5220.0107 SERVICE AND FILING OF REHABILITATION DOCUMENTS; COUNTING DAYS.

[For text of subpart 1, see Minnesota Rules]

Subp. 2. **Filing with state.** A document is filed upon its receipt by the division by 4:30 p.m. on an open state business day. Documents received after 4:30 p.m. are considered filed on the next open state business day. A party may file a document by electronic transmission only as authorized by the division. The authorized electronically transmitted information has the same force and effect as the original. Where the quality or authenticity of a document filed by electronic transmission is at issue, the division may require the

original document to be filed. When the quality or authenticity of a document filed by electronic transmission is not at issue, the party shall not also file the original document.

[For text of subpart 3, see Minnesota Rules]

5220.0410 REHABILITATION PLAN.

Subpart 1. Purpose. The purpose of the rehabilitation plan is to communicate to all interested parties the vocational goal, the rehabilitation services, and the projected amounts of time and money that will be needed to achieve the vocational goal.

An authoritative reference describing standardized occupational name and duties to support job placement activities is the Dictionary of Occupational Titles and is incorporated by reference in part 5220.0105.

Subp. 2. Requirements. If a rehabilitation consultation results in a determination that an employee is a qualified employee for rehabilitation services, the assigned qualified rehabilitation consultant shall, in consultation with the parties, develop, record, and file a rehabilitation plan on the form prescribed by the commissioner containing substantially the following:

[For text of item A, see Minnesota Rules]

B. the employee's occupation at time of injury and the vocational goal of the rehabilitation plan shall be listed;

[For text of items C to F, see Minnesota Rules]

[For text of subparts 3 to 8, see Minnesota Rules]

Subp. 9. Administration of plan. All rehabilitation services shall be provided to an employee pursuant to Minnesota Statutes, section 176.102, as stated in the rehabilitation plan and any subsequent amendments, and shall be administered exclusively by a person

or business entity registered and approved by the commissioner as a qualified rehabilitation consultant or a qualified rehabilitation consultant firm.

The assigned qualified rehabilitation consultant shall monitor rehabilitation vendor compliance with the rehabilitation plan.

Job development and job placement services shall be provided either by rehabilitation providers registered by the commissioner or by a facility accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF). CARF International is an independent, nonprofit accreditor of health and human services to develop and maintain current, field-driven standards that improve the value and responsiveness of the programs and services delivered to people in need of life enhancement services. Information is available at <https://carf.org>.

[For text of subparts 10 and 11, see Minnesota Rules]

5220.0450 PLAN PROGRESS REPORT.

[For text of subparts 1 to 3, see Minnesota Rules]

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

A. requesting additional information from the assigned qualified rehabilitation consultant, the qualified rehabilitation consultant firm, and the rehabilitation vendor;

[For text of items B and C, see Minnesota Rules]

5.1 **5220.0510 PLAN AMENDMENT AND CLOSURE.**

5.2 *[For text of subparts 1 to 2d, see Minnesota Rules]*

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

5.6 *[For text of items A to C, see Minnesota Rules]*

5.7 D. if the amendment adds rehabilitation services, an itemization of each additional
5.8 rehabilitation service to be provided including any rehabilitation vendor names, dates of
5.9 initiation and completion, and estimated costs of each service;

5.10 *[For text of items E to H, see Minnesota Rules]*

5.11 *[For text of subparts 3a to 8, see Minnesota Rules]*

5.12 **5220.0850 ON-THE-JOB TRAINING.**

5.13 *[For text of subpart 1, see Minnesota Rules]*

5.14 Subp. 2. **Plan submission.** A proposed on-the-job training plan shall be filed on a
5.15 form prescribed by the commissioner and must contain the following:

5.16 *[For text of items A and B, see Minnesota Rules]*

5.17 C. the title of the job for which the employee is being trained;

5.18 *[For text of items D to N, see Minnesota Rules]*

5.19 *[For text of subparts 3 to 5, see Minnesota Rules]*

5.20 **5220.1250 ROLES OF REGISTERED REHABILITATION PROVIDERS.**

5.21 An entity may be approved to provide rehabilitation services either as a rehabilitation
5.22 vendor or as a qualified rehabilitation consultant firm. An individual may be approved to

6.1 provide rehabilitation services as a qualified rehabilitation consultant intern or, in cases of
6.2 completion of internship and registration renewal, as a qualified rehabilitation consultant.

6.3 A qualified rehabilitation consultant and a qualified rehabilitation consultant intern are
6.4 approved for the purpose of developing, administering, and implementing a rehabilitation
6.5 plan, including the provision of rehabilitation services, in accordance with Minnesota
6.6 Statutes, chapter 176 and the rules adopted to administer it.

6.7 A qualified rehabilitation consultant firm is approved for the purpose of employing
6.8 qualified rehabilitation consultants, qualified rehabilitation consultant interns, and other
6.9 professional staff as provided in part 5220.1610.

6.10 A rehabilitation vendor is approved for the purpose of providing the workers'
6.11 compensation rehabilitation services of job development and job placement, vocational
6.12 testing, job seeking skills, labor market survey, postplacement follow-up, and transferrable
6.13 skills analysis under an approved rehabilitation plan.

6.14 The roles of vendor and consultant are distinct and, therefore, a rehabilitation vendor
6.15 or its employee may not be, or function as, a qualified rehabilitation consultant firm, a
6.16 qualified rehabilitation consultant, or a qualified rehabilitation consultant intern. Nor may
6.17 a qualified rehabilitation consultant firm, qualified rehabilitation consultant, or qualified
6.18 rehabilitation consultant intern be or function as a rehabilitation vendor or as the agent of
6.19 a vendor.

6.20 The distinction of roles between rehabilitation vendor and qualified rehabilitation
6.21 consultant means the following: A rehabilitation vendor and its employees may provide job
6.22 development and job placement services under an approved rehabilitation plan for any
6.23 qualified employee; a qualified rehabilitation consultant firm and its employees may provide
6.24 job development and job placement services only in cases for which a qualified rehabilitation
6.25 consultant or qualified rehabilitation consultant intern employed by that firm is the assigned
6.26 qualified rehabilitation consultant.

7.1 There shall be no ownership or financial relationships of any kind between any
7.2 rehabilitation vendor and qualified rehabilitation consultant firm, qualified rehabilitation
7.3 consultant, or qualified rehabilitation consultant intern.

7.4 The commissioner shall review the professional activities and services of rehabilitation
7.5 providers to determine whether the activities and services are reasonable and comply with
7.6 the standards of performance and professional conduct contained in Minnesota Statutes,
7.7 chapter 176, parts 5220.1800, 5220.1801, 5220.0100 to 5220.1900, and orders issued under
7.8 those statutes or rules.

7.9 **5220.1410 QUALIFIED REHABILITATION CONSULTANT INTERNS AND**
7.10 **SUPERVISORS: REQUIREMENTS AND PROCEDURES FOR REGISTRATION.**

7.11 Subpart 1. **Requirements and application to become a qualified rehabilitation**
7.12 **consultant intern.** For registration as a qualified rehabilitation consultant intern, the
7.13 applicant must meet the following requirements.

7.14 A. A qualified rehabilitation consultant intern must be employed by a qualified
7.15 rehabilitation consultant firm.

7.16 B. The applicant must file with the commissioner in the format prescribed by the
7.17 commissioner a complete application for qualified rehabilitation consultant intern registration
7.18 that includes:

7.19 (1) the applicant's name, phone number, home address, designated mailing
7.20 address if different from the home address, and email address;

7.21 (2) the applicant's Social Security number or individual taxpayer identification
7.22 number and Minnesota business identification number, as applicable, as required by
7.23 Minnesota Statutes, section 270C.72, subdivision 4;

(3) the name of the qualified rehabilitation consultant firm that will employ the applicant and the name, phone number, and email address of the applicant's qualified rehabilitation consultant intern supervisor;

(4) the projected date by which the applicant will obtain one of the certifications listed in subpart 3, item J;

(5) a list of languages other than English that the applicant wants to be identified as proficient in for providing rehabilitation services;

(6) an agreement to notify the department within two weeks of any change in rehabilitation firm employment status;

(7) affirmation that the applicant has Minnesota residency or residency within 100 miles by road from the Minnesota border; and

(8) the \$140 application fee.

C. The application must include a plan of supervision that contains a declaration signed by the supervisor that the supervisor will comply with all of the requirements in subpart 4.

D. The applicant must attest that all information in the application is true.

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

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

B. If the application is approved, the commissioner shall assign a registration number to the qualified rehabilitation consultant intern.

C. The following constitute grounds for denial of the application:

- 9.1 (1) the applicant failed to comply with the requirements in subpart 1;
- 9.2 (2) the applicant failed to comply with Minnesota Statutes, chapter 176, parts
- 9.3 5220.0100 to 5220.1900, including the requirement regarding standards of performance
- 9.4 and professional conduct for professional activities and services of rehabilitation providers
- 9.5 in part 5220.1250, or any orders issued under those statutes or rules; or
- 9.6 (3) the applicant has outstanding fines or penalties with the department.

9.7 D. An applicant may appeal the commissioner's order denying an application for

9.8 qualified rehabilitation consultant intern registration.

9.9 E. To appeal the commissioner's order, the applicant must file a written request

9.10 for hearing with the commissioner within 30 days of service of the order denying the

9.11 application.

9.12 F. The request for hearing must be referred to the rehabilitation review panel

9.13 according to Minnesota Statutes, section 176.102, subdivision 3.

9.14 G. Qualified rehabilitation consultant intern registration expires 36 consecutive

9.15 months from the date that it is approved. If a person's qualified rehabilitation consultant

9.16 intern registration expires before the person completes all of the requirements in subpart 3

9.17 and files an application for initial registration as a qualified rehabilitation consultant, the

9.18 person must reapply for qualified rehabilitation consultant intern registration and restart the

9.19 internship from the beginning. The person must not provide rehabilitation services to injured

9.20 workers if the registration expires before submission of a complete renewal application or

9.21 before the commissioner has approved or denied the application. The person must complete

9.22 the requirements in subpart 3, items A to I, after the date the subsequent application for

9.23 qualified rehabilitation consultant intern registration is approved and must also comply with

9.24 subpart 3, item J.

10.1 Subp. 3. **Requirements during the internship.** During the internship, a qualified
10.2 rehabilitation consultant intern must:

10.3 A. comply with the provisions of Minnesota Statutes, chapter 176, and parts
10.4 5220.0100 to 5220.1900, and any orders issued under these statutes or rules;

10.5 B. complete an introductory orientation training session sponsored by the
10.6 department within 12 months of approval of qualified rehabilitation consultant intern
10.7 registration;

10.8 C. complete all of the department's rehabilitation provider update sessions;

10.9 D. notify the commissioner within two weeks of a change in home address,
10.10 designated mailing address if different from the home address, or employment with the
10.11 intern's registered rehabilitation firm;

10.12 E. notify the department when their supervisor changes and ensure that the new
10.13 supervisor provides an updated plan of supervision as required under subpart 1, item C;

10.14 F. ensure that all documents bearing the name of the intern designate the intern
10.15 as a "qualified rehabilitation consultant intern" and include the intern's registration number;

10.16 G. work as the assigned qualified rehabilitation consultant intern on 12 or more
10.17 rehabilitation plans under Minnesota Statutes, section 176.102;

10.18 H. be the rehabilitation consultant of record for at least one of each of the following
10.19 complete reports:

10.20 (1) rehabilitation consultation report that explains the basis for the eligibility
10.21 determination;

10.22 (2) rehabilitation plan with an initial evaluation narrative report that includes
10.23 medical status, vocational history, educational history, social history, relevant economic
10.24 factors, transferable skills, employment barriers, and recommendations;

(3) plan progress report or rehabilitation plan amendment with a narrative report that identifies barriers to the employee's successful completion of the rehabilitation plan and the measures the intern planned to overcome each of the identified barriers; and

(4) notice of rehabilitation plan closure with a narrative summary report that includes all rehabilitation plan services provided;

I. prepare at least one of each of the following complete reports or, if necessary due to inability to complete a required report under an assigned rehabilitation plan, contact the department to confirm that the intern can complete the report outside of the intern's assigned files:

(1) a narrative report that shows the intern's understanding of vocational testing;

(2) a narrative report that shows the intern's understanding of a transferable skills analysis; and

(3) a labor market survey that shows the intern's understanding of the injured employee's qualifications, work restrictions, and labor market conditions; and

J. obtain one of the following certifications by the completion of the internship:

(1) Certified Rehabilitation Counselor (CRC) from the Commission on Rehabilitation Counselor Certification; or

(2) Certified Disability Management Specialist (CDMS) from the Certification of Disability Management Specialist.

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:

12.1 A. review the rehabilitation statutes and rules with the intern before the intern
12.2 meets with an injured employee for the first time and throughout the internship as needed
12.3 to ensure the intern's compliance with the statutes and rules;

12.4 B. not bill for supervisory duties;

12.5 C. monitor the intern's progress toward completing the internship;

12.6 D. attend all administrative conferences and hearings with the intern and ensure
12.7 that the intern reviews the rehabilitation file and is prepared to respond to questions relevant
12.8 to the subject of the conference, including questions about the rehabilitation plan, payment
12.9 for rehabilitation services, and the reasonableness and necessity of rehabilitation services;

12.10 E. review all written work that substantively applies to the scope of a rehabilitation
12.11 plan for any file assigned to the QRC intern;

12.12 F. if the intern leaves employment with the firm and will not provide additional
12.13 rehabilitation services, coordinate the transfer of the intern's files so that injured employees
12.14 continue to receive rehabilitation services in accordance with part 5220.0710; and

12.15 G. currently be a registered QRC with at least three years of QRC work experience,
12.16 excluding time as a QRC intern.

12.17 **5220.1510 QUALIFIED REHABILITATION CONSULTANTS: REQUIREMENTS**
12.18 **AND PROCEDURES FOR REGISTRATION.**

12.19 Subpart 1. **Completion of qualified rehabilitation consultant internship and**
12.20 **requirements to become a qualified rehabilitation consultant.** For initial registration as
12.21 a qualified rehabilitation consultant, the applicant must meet the following requirements:

12.22 A. A qualified rehabilitation consultant must be employed by a qualified
12.23 rehabilitation consultant firm or the consultant's own qualified rehabilitation consultant firm
12.24 which must be registered as a qualified rehabilitation consultant firm with the department.

13.1 B. At the time the applicant files the initial application for qualified rehabilitation
13.2 consultant registration:

13.3 (1) the applicant must be registered as a qualified rehabilitation consultant
13.4 intern;

13.5 (2) the applicant must have been registered as a qualified rehabilitation
13.6 consultant intern for at least 12 months; and

13.7 (3) within 36 months after the date the applicant most recently became
13.8 registered as a qualified rehabilitation consultant intern, the applicant must have completed
13.9 the requirements specified in part 5220.1410, subpart 3.

13.10 C. The applicant must file a complete initial application for qualified rehabilitation
13.11 consultant registration with the commissioner in the format prescribed that includes:

13.12 (1) the applicant's name, phone number, home address, designated mailing
13.13 address if different from the home address, and email address;

13.14 (2) the applicant's Social Security number or individual taxpayer identification
13.15 number and Minnesota business identification number, as applicable, as required by
13.16 Minnesota Statutes, section 270C.72, subdivision 4;

13.17 (3) the name of the qualified rehabilitation consultant firm where the applicant
13.18 is employed;

13.19 (4) the date the applicant completed the department's orientation session;

13.20 (5) each date the applicant completed one of the department's rehabilitation
13.21 provider update sessions;

13.22 (6) a list of languages other than English that the applicant wants to be
13.23 identified as being proficient in for providing rehabilitation services;

14.1 (7) documentation from the applicant's qualified rehabilitation consultant
14.2 intern supervisor certifying that the applicant complied with each of the requirements in
14.3 part 5220.1410, subpart 3, items F to I;

14.4 (8) proof that the applicant has obtained one of the certifications listed in part
14.5 5220.1410, subpart 3, item J;

14.6 (9) affirmation that the applicant has Minnesota residency or residency within
14.7 100 miles by road from the Minnesota border; and

14.8 (10) the registration fee of \$140.

14.9 D. The applicant must attest that all information in the application is true.

14.10 **Subp. 2. Approval or denial of initial application.**

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

14.14 B. If the application is approved, the commissioner shall assign a registration
14.15 number to the qualified rehabilitation consultant.

14.16 C. The following constitute grounds for denial of the application:

14.17 (1) the applicant failed to comply with the requirements in subpart 1;

14.18 (2) the applicant failed to comply with Minnesota Statutes, chapter 176, and
14.19 parts 5220.0100 to 5220.1900, including the requirement regarding standards of performance
14.20 and professional conduct for professional activities and services of rehabilitation providers
14.21 in part 5220.1250, or any orders issued under those statutes or rules; or

14.22 (3) the applicant has outstanding fines or penalties with the department.

15.1 D. The qualified rehabilitation consultant registration expires one year from the
15.2 date the application is approved.

15.3 Subp. 3. **Renewal of qualified rehabilitation consultant registration.** To annually
15.4 renew registration as a qualified rehabilitation consultant, the applicant must meet the
15.5 following requirements:

15.6 A. A qualified rehabilitation consultant must be employed by a qualified
15.7 rehabilitation consultant firm.

15.8 B. The applicant must file with the commissioner in the format prescribed by the
15.9 commissioner a complete renewal application for qualified rehabilitation consultant
15.10 registration that includes:

15.11 (1) the applicant's name, phone number, home address, designated mailing
15.12 address if different from the home address, and email address;

15.13 (2) the applicant's Social Security number or individual taxpayer identification
15.14 number and Minnesota business identification number as applicable, as required by Minnesota
15.15 Statutes, section 270C.72, subdivision 4;

15.16 (3) the name of the qualified rehabilitation consultant firm where the applicant
15.17 is employed;

15.18 (4) affirmation that the applicant has Minnesota residency or residency within
15.19 100 miles by road from the Minnesota border;

15.20 (5) a copy of the applicant's certification as a Certified Rehabilitation
15.21 Counselor (CRC) or a Certified Disability Management Specialist (CDMS); and

15.22 (6) the registration fee of \$140.

15.23 C. A qualified rehabilitation consultant registered with the commissioner before
15.24 July 1, 2005, and continuously registered since that date, may either continue to meet the

16.1 certification requirements in effect at the time of initial registration or meet one of the
16.2 requirements in item B, subitem (5).

16.3 D. The applicant must have submitted documentation showing that the applicant
16.4 completed the department's most recent rehabilitation provider update session.

16.5 E. The applicant must not provide rehabilitation services to injured workers if the
16.6 applicant's registration expires before submission of a complete renewal application or
16.7 before the commissioner has approved or denied the application pursuant to subpart 5.

16.8 F. The applicant must attest that all information in the application is true.

16.9 Subp. 4. **Gap in qualified rehabilitation consultant registration.** To ensure there
16.10 is no gap in qualified rehabilitation consultant registration, the applicant must submit the
16.11 renewal application for qualified rehabilitation consultant registration at least 60 days before
16.12 expiration of the applicant's current registration. If an applicant's qualified rehabilitation
16.13 consultant registration expired more than 12 months before the applicant files a renewal
16.14 application for qualified rehabilitation consultant registration, the applicant must complete
16.15 the department's orientation session within 12 months before or after the applicant files the
16.16 renewal application.

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

16.18 A. Within 60 days after receiving a complete renewal application for qualified
16.19 rehabilitation consultant registration, the commissioner must approve or deny the application
16.20 and notify the applicant whether the application is approved or denied.

16.21 B. The following constitute grounds for denial of the application:

16.22 (1) the applicant failed to comply with the requirements in subpart 3;

16.23 (2) the applicant failed to comply with the provisions of Minnesota Statutes,
16.24 chapter 176, and parts 5220.0100 to 5220.1900, including the requirement regarding standards

17.1 of performance and professional conduct for professional activities and services of
17.2 rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules;
17.3 or

17.4 (3) the applicant has outstanding fines or penalties with the department.

17.5 C. If the commissioner denies a renewal application under item B, subitem (2),
17.6 and the denial is final because the qualified rehabilitation consultant did not file a timely
17.7 request for hearing or a hearing was timely requested and all appeals have been exhausted,
17.8 another renewal application may be filed only if the requirements of subitem (1) or (2) are
17.9 met.

17.10 (1) The former qualified rehabilitation consultant may file another renewal
17.11 application if the applicant has entered into a stipulated agreement with the commissioner
17.12 regarding the violations of statute, rule, or order that were cited as the basis for denial of
17.13 the renewal application and the stipulation allows the former qualified rehabilitation
17.14 consultant to reapply after a specified period of time.

17.15 (2) The former qualified rehabilitation consultant may file another renewal
17.16 application if six months have passed since the denial of the previous renewal application
17.17 became final and the subsequent application is accompanied by a statement and
17.18 documentation that shows what the applicant has done and will do to ensure that the applicant
17.19 complies with Minnesota Statutes, chapter 176, and parts 5220.0100 to 5220.1900, and any
17.20 orders issued under those statutes or rules.

17.21 The commissioner must approve or deny the new renewal application according to items
17.22 A and B and, if applicable, after determining whether the applicant's statement and
17.23 documentation in subitem (2) demonstrates that the applicant is not likely to violate
17.24 Minnesota Statutes, chapter 176, and parts 5220.0100 to 5220.1900, or any orders issued
17.25 under those statutes or rules.

D. The registration expires one year from the date the applicant's current registration was set to expire, unless the applicant was not registered as a qualified rehabilitation consultant on the date that the commissioner received the application, in which case the registration expires one year after the application is approved.

Subp. 6. Appeal process for denials.

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

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

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

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

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

Subpart 1. Requirements for qualified rehabilitation consultant firms. At all times while registered with the commissioner, a qualified rehabilitation consultant firm must meet the requirements in items A to I.

A. The firm must be owned by:

(1) an individual who is a qualified rehabilitation consultant; or

(2) an entity registered with and in good standing with the secretary of state.

19.1 B. If the firm is owned by an entity other than an individual, the management staff
19.2 must include at least one full-time employee who is a qualified rehabilitation consultant.
19.3 An employer or insurer must be registered as a qualified rehabilitation consultant firm in
19.4 order to provide rehabilitation services. A qualified rehabilitation consultant or qualified
19.5 rehabilitation consultant intern employed by an employer or insurer must only provide
19.6 rehabilitation services for the claims being handled by the entity by which the qualified
19.7 rehabilitation consultant or qualified rehabilitation consultant intern is employed.

19.8 C. The firm must maintain workers' compensation insurance if required by
19.9 Minnesota Statutes, chapter 176.

19.10 D. The firm must maintain at least one office in Minnesota or within 100 miles
19.11 by road from the Minnesota border. If a firm does not maintain at least one office in
19.12 Minnesota or within 100 miles by road from the Minnesota border on the effective date of
19.13 this part, the firm must comply with this part within 90 days of receiving written notice of
19.14 the requirement from the department.

19.15 E. The firm must not provide rehabilitation services unless the qualified
19.16 rehabilitation consultant or qualified rehabilitation consultant intern assigned to the injured
19.17 employee's case file is an employee of the firm.

19.18 F. The firm must ensure that each employee who provides rehabilitation services
19.19 to injured employees attends all department rehabilitation provider update sessions.

19.20 G. If the firm hires a new, nonregistered employee who will provide rehabilitation
19.21 services to injured employees, that employee must, within 12 months of employment,
19.22 complete the department's orientation session.

19.23 H. The firm must retain each of the firm's injured worker case files for at least
19.24 five years after the date of file closure.

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

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

A. At least 60 percent of qualified rehabilitation consultant firm employees providing rehabilitation services to qualified employees shall be qualified rehabilitation consultants or qualified rehabilitation consultant interns. Employees who are not qualified rehabilitation consultants or qualified rehabilitation consultant interns, under the direct supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation consultant intern, may provide the services of job seeking skills training, job development, job placement, vocational testing, labor market survey, postplacement follow-up, and transferrable skills analysis.

B. Any firm employing four or fewer full-time qualified rehabilitation consultants or qualified rehabilitation consultant interns may employ up to two employees who are not qualified rehabilitation consultants or qualified rehabilitation interns who may, under the direct supervision of the assigned qualified rehabilitation consultant or qualified rehabilitation consultant intern, provide the services of job seeking skills training, job development, job placement, vocational testing, transferrable skills analysis, postplacement follow-up, and labor market survey. However, as restricted by part 5220.1250, employees who are not qualified rehabilitation consultants or qualified rehabilitation consultant interns may provide these prescribed services only in cases for which a qualified rehabilitation consultant or qualified rehabilitation consultant intern employed by the same firm is the assigned qualified rehabilitation consultant.

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

21.1 A. The applicant must file a complete application for qualified rehabilitation
21.2 consultant firm registration in the format prescribed by the commissioner that includes:

21.3 (1) the applicant's name and Minnesota business identification number, as
21.4 required by Minnesota Statutes, section 270C.72, subdivision 4;

21.5 (2) every business address where the applicant will provide rehabilitation
21.6 services;

21.7 (3) if the firm is owned by an individual, that individual's phone number,
21.8 email address, home address, Social Security number, and any state and federal employer
21.9 identification numbers;

21.10 (4) if the firm is not owned by an individual:

21.11 (a) the name and address of the firm's agent registered with the secretary
21.12 of state;

21.13 (b) a different name and address for legal service on the firm, if the firm
21.14 chooses to accept legal service from the department at an address different from the registered
21.15 address; and

21.16 (c) the name, address, email, and telephone number of the full-time
21.17 member of the management staff who is a qualified rehabilitation consultant;

21.18 (5) the name and job title of each employee, indicating whether the employee
21.19 will provide rehabilitation services to injured employees, and their job title;

21.20 (6) for each employee who has provided or will provide rehabilitation services
21.21 to injured employees, the most recent date the employee completed the department's
21.22 rehabilitation provider update session;

21.23 (7) proof of workers' compensation insurance or an explanation of why no
21.24 workers' compensation insurance is required;

22.1 (8) affirmation that one of the offices where the applicant will provide
22.2 rehabilitation services is located in Minnesota or within 100 miles by road from the Minnesota
22.3 border; and

22.4 (9) the registration fee of \$280.

22.5 B. If the application is for renewal of qualified rehabilitation consultant firm
22.6 registration and the applicant does not want a gap in registration, the applicant must submit
22.7 the renewal application at least 60 days before expiration of the applicant's current
22.8 registration.

22.9 C. The applicant must not provide rehabilitation services to injured workers if the
22.10 applicant's registration expires before submission of a complete renewal application or
22.11 before the commissioner has approved or denied the application.

22.12 D. The applicant must attest that all information in the application is true and that
22.13 the applicant meets or will meet all the requirements of subpart 1.

22.14 E. The qualified rehabilitation consultant firm registration must be renewed
22.15 annually, according to subpart 4, item C.

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

22.17 A. Within 60 days after receiving a complete application for qualified rehabilitation
22.18 consultant firm registration, the commissioner must approve or deny the application and
22.19 notify the applicant whether the application is approved or denied. The following constitute
22.20 grounds for denial of the application:

22.21 (1) the applicant failed to comply with the requirements of subpart 2;

22.22 (2) the applicant failed to comply with Minnesota Statutes, chapter 176, and
22.23 parts 5220.0100 to 5220.1900, including the requirement regarding standards of performance

and professional conduct for professional activities and services of rehabilitation providers in part 5220.1250, or any orders issued under those statutes or rules; or

(3) the applicant has outstanding fines or penalties with the department.

B. If the commissioner approves the application, the commissioner shall assign a registration number to the qualified rehabilitation consultant firm.

C. The registration expires one year from the date the applicant's current registration was set to expire, unless the applicant was not registered as a qualified rehabilitation consultant firm on the date that the commissioner received the application, in which case the registration expires one year after the application is approved.

Subp. 5. Appeal process for denials.

A. An applicant may appeal the commissioner's order denying an application for qualified rehabilitation consultant firm registration.

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

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

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

Subp. 6. Retention and transfer of rehabilitation plans. If the registration of a qualified rehabilitation consultant firm expires, the qualified rehabilitation consultant who owns the firm or is a member of the firm's management staff must ensure that the firm's active rehabilitation plans are transferred to a qualified rehabilitation consultant or a qualified rehabilitation consultant firm as required by part 5220.1802, subpart 4a.

24.1 **5220.1710 REHABILITATION VENDORS: REQUIREMENTS AND PROCEDURES**
24.2 **FOR REGISTRATION.**

24.3 Subpart 1. **Requirements for rehabilitation vendors.** At all times while registered
24.4 with the commissioner, a rehabilitation vendor must meet the requirements in items A to
24.5 K.

24.6 A. The rehabilitation vendor must be owned by:

24.7 (1) an individual; or

24.8 (2) an entity registered with and in good standing with the Minnesota secretary
24.9 of state.

24.10 B. The rehabilitation vendor must maintain workers' compensation insurance if
24.11 required by Minnesota Statutes, chapter 176.

24.12 C. The rehabilitation vendor must maintain at least one office where services to
24.13 injured employees are provided in Minnesota or within 100 miles by road from the Minnesota
24.14 border. If a vendor does not maintain at least one office in Minnesota or within 100 miles
24.15 by road from the Minnesota border on the effective date of this part, the vendor must comply
24.16 with this part within 90 days of receiving written notice of the requirement from the
24.17 department.

24.18 D. The rehabilitation vendor must cooperate in any request for information or
24.19 investigation by the department.

24.20 E. The rehabilitation vendor may only provide rehabilitation services to injured
24.21 employees under an approved rehabilitation plan.

24.22 F. The rehabilitation vendor must promptly communicate with the assigned
24.23 qualified rehabilitation consultant or qualified rehabilitation consultant intern regarding all
24.24 rehabilitation services that the rehabilitation vendor provides to injured employees.

25.1 G. Each employee of the rehabilitation vendor who provides rehabilitation services
25.2 to injured employees must attend all department rehabilitation provider update sessions.

25.3 H. If the rehabilitation vendor hires a new employee who will provide rehabilitation
25.4 services to injured employees, that employee must, within 12 months of employment,
25.5 complete the department's orientation session.

25.6 I. If the rehabilitation vendor is no longer providing services to injured employees,
25.7 the rehabilitation vendor must provide any active or closed case file to the qualified
25.8 rehabilitation consultant firm that last employed the qualified rehabilitation consultant or
25.9 qualified rehabilitation consultant intern assigned to the file.

25.10 J. Within two weeks of the change, the rehabilitation vendor must report to the
25.11 department any change in any of the information provided to the department on the
25.12 rehabilitation vendor's registration application, including any change in employees who
25.13 provide rehabilitation services to injured employees.

25.14 K. The rehabilitation vendor must not employ or otherwise engage the services
25.15 of a qualified rehabilitation consultant.

25.16 Subp. 2. **Rehabilitation vendor registration.** For registration as a rehabilitation
25.17 vendor, the applicant must meet the following requirements.

25.18 A. The applicant must file a complete application for rehabilitation vendor
25.19 registration in the format prescribed by the commissioner that includes:

25.20 (1) the applicant's name and every business address where the applicant will
25.21 provide rehabilitation services to injured employees;

25.22 (2) the applicant's taxpayer identification number and Minnesota business
25.23 identification number, as required by Minnesota Statutes, section 270C.72, subdivision 4;

26.1 (3) if the rehabilitation vendor is owned by an individual, that individual's
26.2 phone number, email address, home address, Social Security number, and any state and
26.3 federal employer identification numbers;

26.4 (4) if the rehabilitation vendor is not owned by an individual:

26.5 (a) the name, address, phone number, and email address of the
26.6 rehabilitation vendor's agent registered with the secretary of state;

26.7 (b) a different name and address for legal service on the rehabilitation
26.8 vendor, if the rehabilitation vendor chooses to accept legal service from the department at
26.9 an address different from the registered address;

26.10 (5) the name and job title of each current employee of the rehabilitation vendor
26.11 and an indication of whether each employee will provide rehabilitation services to injured
26.12 employees;

26.13 (6) for each employee who has provided or will provide rehabilitation services
26.14 to injured employees, the most recent date the employee completed the department's
26.15 rehabilitation provider update session;

26.16 (7) the name of each manager of the rehabilitation vendor;

26.17 (8) proof of workers' compensation insurance or an explanation of why no
26.18 workers' compensation insurance is required;

26.19 (9) affirmation that one of the offices where the applicant will provide
26.20 rehabilitation services to injured employees is located in Minnesota or within 100 miles by
26.21 road from the Minnesota border; and

26.22 (10) the registration fee of \$280.

B. If the application is for renewal of rehabilitation vendor registration and the applicant wants no gap in registration, the applicant must submit the renewal application at least 60 days before expiration of the applicant's current registration.

C. The applicant must not provide rehabilitation services to injured workers if the applicant's registration expires before submission of a complete renewal application or before the commissioner has approved or denied the application.

D. The applicant must attest that all information in the application is true and that the applicant meets or will meet all the requirements of subpart 1.

E. The rehabilitation vendor registration must be renewed annually, in accordance with subpart 3, item C.

Subp. 3. Approval or denial of application.

A. Within 60 days after receiving a complete application for rehabilitation vendor registration, the commissioner must approve or deny the application and notify the applicant whether the application is approved or denied. The following constitute grounds for denial of the application:

(1) the applicant failed to comply with the requirements of subpart 2;

(2) the applicant failed to comply with the provisions of Minnesota Statutes, chapter 176, and parts 5220.0100 to 5220.1900, or any orders issued under those statutes or rules; or

(3) the applicant has outstanding fines or penalties with the department.

B. If the commissioner approves the application, the commissioner shall assign a registration number to the rehabilitation vendor.

C. The registration expires one year from the date the applicant's current registration was set to expire, unless the applicant was not registered as a rehabilitation

vendor on the date that the commissioner received the application, in which case the registration expires one year after the application is approved.

Subp. 4. Appeal process for denials.

A. An applicant may appeal the commissioner's order denying an application for rehabilitation vendor registration.

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

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

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

5220.1750 VOCATIONAL REHABILITATION UNIT.

The vocational rehabilitation unit of the department and its employees are exempt from payment of the fees in parts 5220.1410, 5220.1510, and 5220.1610.

5220.1801 PROFESSIONAL CONDUCT.

Subpart 1. Prompt provision of service and assessment of progress. The assigned qualified rehabilitation consultant and any rehabilitation vendor providing rehabilitation services under a plan shall provide prompt and necessary rehabilitation services to assist a qualified employee to return to suitable gainful employment. The qualified rehabilitation consultant shall periodically assess progress toward plan objectives.

[For text of subparts 2 to 7, see Minnesota Rules]

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

29.2 A. The roles and functions of a claims agent and a rehabilitation provider are
29.3 separate. A qualified rehabilitation consultant, qualified rehabilitation consultant intern,
29.4 rehabilitation vendor, or an agent of a rehabilitation provider, shall engage only in those
29.5 activities designated in Minnesota Statutes, section 176.102, and rules adopted thereunder.

29.6 B. A qualified rehabilitation consultant, qualified rehabilitation consultant intern,
29.7 or rehabilitation vendor shall not act as an advocate for or advise any party about a claims
29.8 or entitlement issue. Except as permitted by item C, qualified rehabilitation consultants,
29.9 qualified rehabilitation consultant interns, and rehabilitation vendors shall at no time in any
29.10 capacity engage in any of the following activities regarding any claim for workers'
29.11 compensation benefits pursuant to Minnesota Statutes, chapter 176:

29.12 *[For text of subitems (1) to (8), see Minnesota Rules]*

29.13 *[For text of item C, see Minnesota Rules]*

29.14 *[For text of subparts 9 to 11, see Minnesota Rules]*

29.15 **5220.1802 COMMUNICATIONS.**

29.16 *[For text of subparts 1 to 3, see Minnesota Rules]*

29.17 **Subp. 4. Rehabilitation vendor reporting.** At least each 30 days, the rehabilitation
29.18 vendor shall submit all required progress records, required rehabilitation reports and cost
29.19 information on an employee's case directly to the assigned qualified rehabilitation consultant
29.20 with copies to the employee, the insurer, and their attorneys, and also to the employer upon
29.21 the employer's request.

29.22 *[For text of subparts 4a to 12, see Minnesota Rules]*

29.23 **5220.1900 REHABILITATION SERVICE FEES AND COSTS.**

29.24 *[For text of subparts 1 to 1d, see Minnesota Rules]*

Subp. 1e. **Job development and placement services.** Whether provided by 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.

[For text of subparts 1f to 6b, see Minnesota Rules]

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

[For text of item A, see Minnesota Rules]

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

[For text of subitems (1) to (3), see Minnesota Rules]

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

[For text of subitem (5), see Minnesota Rules]

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

[For text of subparts 8 and 9, see Minnesota Rules]

REPEALER. Minnesota Rules, parts 5220.1400; 5220.1500; 5220.1600; and 5220.1700, are repealed.

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