

Withdrawing from a workers' compensation rehabilitation file and the role of the Vocational Rehabilitation unit

A qualified rehabilitation consultant (QRC) sometimes withdraws from providing vocational rehabilitation services to an injured worker when the workers' compensation insurer (including a self-insured employer) denies primary liability or further liability for an injury. Where the insurer has denied liability, the QRC must comply with the requirements of the rehabilitation rules (Minnesota Rules 5220.0510, subps. 3a (C) and 7a) before referring the file to the Minnesota Department of Labor and Industry (DLI) Vocational Rehabilitation unit (VRU).

Under the rule, the appropriate action the QRC should take depends on whether litigation is pending on the denial of liability. Compliance with the rule requirements governing QRC withdrawal helps avoid confusing the parties and helps avoid the need for communications from DLI about appropriate form filing.

Disputed denial of primary liability or further liability

Situation

- The insurer issued a written denial of primary liability or further liability;
- the injured worker is disputing the insurer's liability determination and wants to continue receiving rehabilitation services; and
- the injured worker has filed an Employee's Claim Petition form, an Employee's Objection to Discontinuance form, a request for administrative conference or another document initiating litigation disputing the insurer's liability determination.

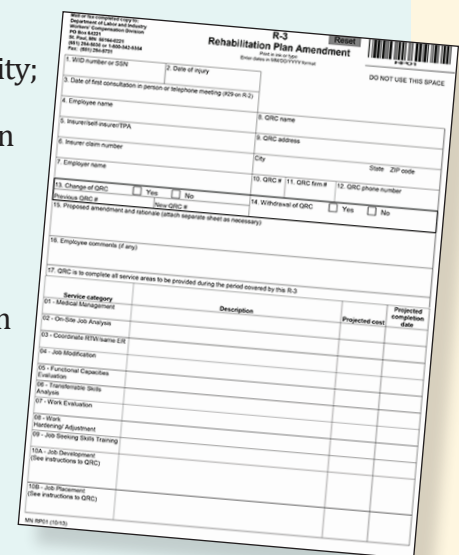
How to withdraw

- File with DLI the R-3 Rehabilitation Plan Amendment form with a copy of the insurer's written denial attached.
- Send copies of the R-3 form and attachment to the parties.
- Send a copy of the R-3 form, the attachment and the injured worker's file to VRU.* To ensure VRU has adequate time to provide meaningful rehabilitation services to the injured worker, the referral should be made as soon as possible and preferably well in advance of any scheduled conference or hearing.

After receipt of the R-3 form, the written denial and the injured worker's file, VRU will review the file to confirm current pending litigation regarding liability or medical causation.

If VRU confirms there is current pending litigation, a QRC will be assigned. The assigned QRC will contact the injured worker as soon as possible to develop an R-3 form and continue rehabilitation services until litigation has concluded, an Award on Stipulation is received or the injured worker has successfully returned to suitable gainful employment.

If there is no pending litigation, VRU will send a letter to the QRC with copies to the parties and DLI advising that VRU cannot provide a consultation or other rehabilitation services. VRU will not file any rehabilitation forms with DLI. If the QRC receives this letter, the steps outlined in the section titled "Uncontested denial of primary liability or further liability" should be followed.



The image shows a sample of the R-3 Rehabilitation Plan Amendment form. The form is titled 'R-3 Rehabilitation Plan Amendment' and includes a barcode. It contains several sections for data entry, including: 1. QRC information (name, address, phone), 2. Date of first consultation, 3. Employee name, 4. Insurer name, 5. Employer name, 6. Change of QRC (Yes/No), 7. Proposed amendment and rationale, 8. Employee comments, 9. Service category table with columns for Description, Projected cost, and Projected completion date. The table lists various services such as Medical Management, Job Analysis, Job Modification, Vocational Capabilities Evaluation, Skills Analysis, Work Evaluation, Work Adjustment, Job Development, and Job Placement.

DISPUTED DENIAL

Continues ...

Uncontested denial of primary liability or further liability

Situation

- The injured worker does not dispute the insurer's denial or has not filed a litigation document contesting the denial of liability at this time.

How to withdraw

- Prepare the R-8 Notice of Rehabilitation Plan Closure form. Under "Reason for rehabilitation plan closure" check "QRC withdrawal."
- File the R-8 form and narrative summary report with DLI and send copies to the parties and VRU.

	Prior placement firm costs	Current placement firm costs	Prior QRC firm costs	Current QRC firm costs
10 - Rehabilitation Consultation	N/A	N/A	N/A	N/A
01 - Medical Management	N/A	N/A	N/A	N/A

In this situation, note that if the injured worker later decides to litigate the contested denial of liability, VRU can then perform a rehabilitation consultation and, if the employee is eligible, provide rehabilitation services to the injured worker.

QRC wants to withdraw from the rehabilitation file where there is no denial of liability

Situation

- The QRC decides to no longer provide rehabilitation services; and
- another QRC to take over the rehabilitation file has not yet been identified.

How to withdraw

- File the Rehabilitation Request form with DLI outlining the issue and copy the parties. DLI's Alternative Dispute Resolution unit will attempt to resolve the issue informally and/or schedule a conference and issue a decision and order.

Issues concerning QRC withdrawal can be avoided by communicating with the parties, identifying the specific circumstances involved and filing the appropriate R-form. See Minnesota Rules 5220.0510, subs. 3a (C) and 7a, for specific language regarding the obligations of the QRC when withdrawing from a rehabilitation file.

*The Department of Labor and Industry's Vocational Rehabilitation unit provides vocational rehabilitation services to injured workers whose claims have been denied by the employer/insurer so they might receive needed vocational assistance prior to, rather than after, a determination of liability by the courts if they would otherwise be eligible. Documents for VRU should be sent to: Minnesota Department of Labor and Industry, Vocational Rehabilitation unit, P.O. Box 64223, St. Paul, MN 55164-0223.