



Minnesota Rules 5220: Revisions and Planning

Rehabilitation Provider Update 2018

5220.1900 Changes

Updated rules that go into effect September 24, 2018, are available on the DLI website docket page:

http://www.dli.mn.gov/sites/default/files/pdf/5220_1900_adopted_rules0918.pdf

5220.1900 Changes

For rehabilitation services provided on or after September 24, 2018, the rules:

- Eliminate the \$10 per hour fee reduction for lengthy and costly rehabilitation plans.
- Adjust the maximum hourly rate for qualified rehabilitation consultant (QRC) services to \$103.10 to maintain cost neutrality.
- Update the maximum hourly rate for job development and job placement services (when provided by a person other than the QRC) to reflect the current rate of \$82.58. This figure has been adjusted multiple times since the rules were last amended.

5220.1900 Changes

For rehabilitation services provided on or after September 24, 2018, the rules:

- Increase the limit on payment to QRCs for their services during job development and job placement from two hours per month to six hours per month (excluding travel time and wait time).
 - The insurer can still argue that services were not reasonable and necessary.
 - The commissioner or a compensation judge can still determine that services beyond the six-hour limit were reasonable and necessary.
- Provide clarity to rehabilitation providers and insurers about services and activities that require approval or are not billable.

5220.1900 Changes

Case activities under Subp. 7 are now in two categories:

1. Activities that require approval from the insurer.
 - Some items were removed because they are addressed in other parts of the rules or because they are less common activities that can be assessed under the reasonable and necessary standard in subpart 2.
 - Some items moved to “not billable.”
2. Activities that are not billable.

5220.1900 Subp. 7

Activities that require *approval* from the insurer:

- Phone calls or visits to health care providers and accompanying the employee to appointments or examinations.
- Time spent by a supervisor or another qualified rehabilitation consultant consulting with or advising the assigned qualified rehabilitation consultant.

5220.1900 Subp. 7

Activities that are *not* billable:

- Phone calls to the department regarding general procedures or questions about rehabilitation not related to a specific rehabilitation plan.
- Unanswered attempted phone calls where the rehabilitation provider does not leave a message.
- Time for attendance at an administrative conference by the supervisor of the qualified rehabilitation consultant intern who is providing services to the employee.

5220.1900 Subp. 7

Activities that are *not* billable:

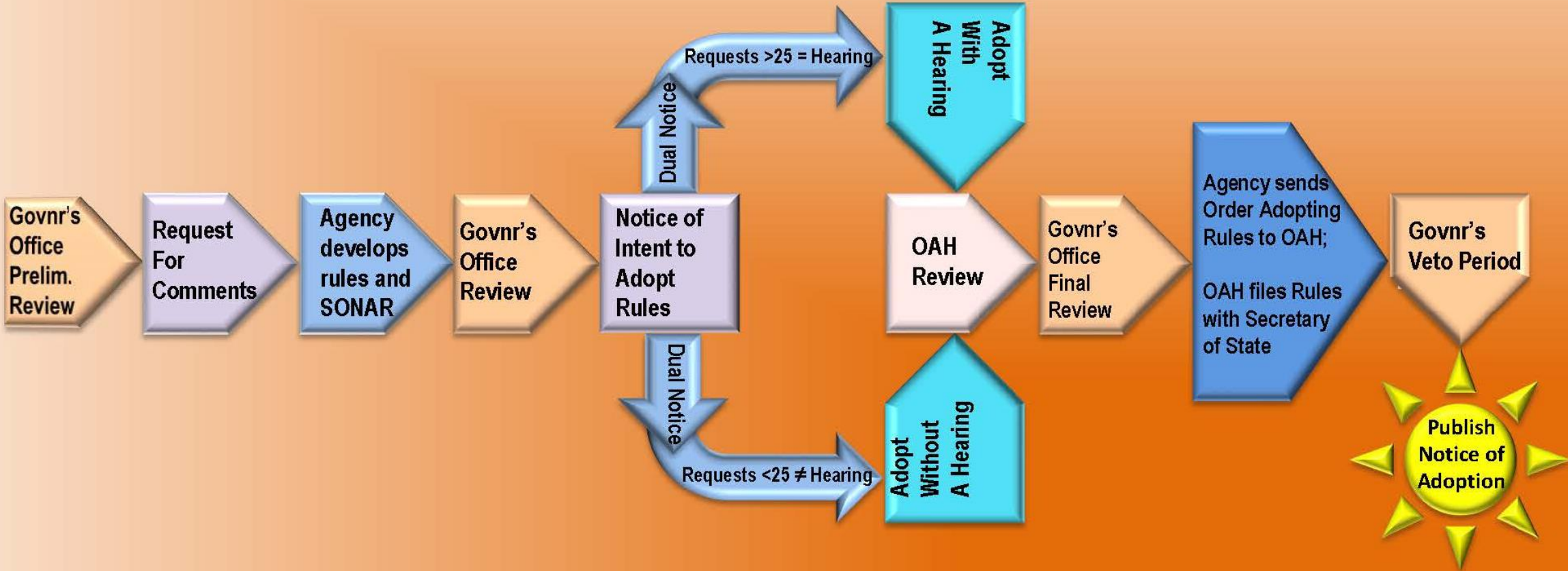
- Time spent reviewing the file by an assigned qualified rehabilitation consultant or registered rehabilitation vendor when a case has been transferred from another qualified rehabilitation consultant or registered rehabilitation vendor within the same rehabilitation firm.
- Wait time exceeding 15 minutes for early arrival for a prearranged meeting or appointment.
- Charges beyond the hourly fee for testimony at a hearing or administrative conference when the qualified rehabilitation consultant or registered rehabilitation vendor has provided rehabilitation services under the plan.

5220.1900 Change Timing

Annual maximum hourly rehabilitation fee adjustment:

1. Pursuant to Minnesota Rules 5220.1900, subp. 1b, the maximum qualified rehabilitation consultant (QRC) hourly fee, set at \$103.10 by the amendments to Minnesota Rules 5220.1900, will be increased by 3.00 percent to \$106.19 for rehabilitation services provided on or after Oct. 1, 2018.
2. The maximum hourly rate for job development and job placement services, whether provided by rehabilitation vendors or by QRC firms, will increase to \$85.06 on Oct. 1, 2018.

Rulemaking Progress Chart



5220 Registration Sections

DLI is in the process of rewriting the registration sections: 5220.1400 through 5220.1700.

- The goal for these sections is to enhance clarity and provide a simpler process for registering as a rehab provider.
- DLI also plans to update relevant definitions in 5220.0100.

5220 Registration Sections

The draft registration sections:

- 5220.1410 Qualified Rehabilitation Consultant Interns: Requirements and Procedures for Registration.
- 5220.1510 Qualified Rehabilitation Consultants: Requirements and Procedures for Registration.
- 5220.1600 Qualified Rehabilitation Consultant Firms: Staffing Requirements.
- 5220.1610 Qualified Rehabilitation Consultant Firms: Requirements and Procedures for Registration.
- 5220.1710 Rehabilitation Vendors: Requirements and Procedures for Registration.

5220 New Registration Sections

- QRC Interns: Registration is good for 3 years; can qualify for full-QRC in 1 year.
- Removal of late registration fees formula.
- Allow CRC, CDMS, or master's degree in voc rehab or rehab counseling with 20 yearly CEUs.
- All QRCs must be employed by a registered firm.
- DLI anticipates that all rehabilitation registrations will be conducted and maintained online.

General rehab rules planning for 2019 and beyond

What are the future rehab rule changes that are being contemplated going forward?

1. Adopt rule changes and continue rule drafting next year in conjunction with the DLI workers' compensation modernization program. Changes will reflect the move to modernized electronic systems and processes.
2. Wherever needed, the rules will be amended to reflect a new electronic system that reduces complexity and enhances efficiencies.

Questions?