

NEW PROVIDERS

Certification for Approval of Vocational Rehabilitation Providers

The Massachusetts Department of Industrial Accidents (DIA) requests the submission of responses from qualified persons interested in becoming approved as a Vocational Rehabilitation Provider. The vocational rehabilitation providers so approved shall furnish vocational rehabilitation services to injured employees according to the provisions of the Massachusetts workers' compensation law.

Copies can be obtained either by written request to the Director, Office of Education and Vocational Rehabilitation (OEVR), Department of Industrial Accidents, Lafayette City Center, 2 Avenue de Lafayette, Boston, MA 02111, by calling (857) 321-7303, or by facsimile at (617) 727-4366.

All responses must be submitted with the required documents, including the completed attachments, to the Director of the Office of Education and Vocational Rehabilitation.

Pursuant to 452 CMR 4.03(4), responses are accepted on a year-round basis for approval within a fiscal year period (July 1st - June 30th). A list of approved providers is published annually by the Department on or about August 1st.

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF INDUSTRIAL ACCIDENTS
OFFICE OF EDUCATION AND VOCATIONAL REHABILITATION

CERTIFICATION FOR APPROVAL AS
VOCATIONAL REHABILITATION PROVIDERS

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- I. Certification Form
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copies of professional certifications/licenses)

INTRODUCTION

The Department of Industrial Accidents administers all aspects of the Massachusetts workers' compensation system pursuant to the provisions of M.G.L. c. 152. Effective December 10, 1985, the Office of Education and Vocational Rehabilitation (OEVR) was established as an office within the Department of Industrial Accidents to administer sections 30 to 30H of M.G.L. c. 152.

Pursuant to the provisions of § 30G, OEVR conducts mandatory meetings with injured workers in order to determine suitability for vocational rehabilitation services. Where appropriate, OEVR refers the injured workers for vocational rehabilitation services. The assigned approved vocational rehabilitation provider then develops and implements an Individual Written Rehabilitation Program (IWRP) with the approval of OEVR.

In accordance with the provisions of M.G.L. c. 152, § 30E, OEVR encourages voluntary agreements between claimants and insurers in respect to the provision of vocational rehabilitation services. Services agreed to by insurers and approved by OEVR are reimbursed by the insurer or self-insurer. However, in accordance with the provisions of § 30H, if OEVR determines that vocational rehabilitation services are required and the insurer refuses to pay for such services, funds from the Workers' Compensation Trust Fund (hereafter referred to as 'Trust Fund') established under M.G.L. c. 152, § 65(2) may be encumbered to pay for the approved program. If the approved program is deemed successful, the insurer or self-insurer will be required to reimburse the Trust Fund an amount no less than two times that expended by the Trust Fund for vocational rehabilitation services.

The objective of this Request For Responses (RFR) is to locate qualified vocational rehabilitation providers for the purpose of approving such providers for service to injured employees subject to the provisions of the Massachusetts workers' compensation law. All providers so approved shall be identified on a list compiled by OEVR on behalf of the Department. This public document shall be made available to all interested parties.

DESCRIPTION OF SERVICES

Vocational rehabilitation begins with an evaluation of an individual's potential for employment. The evaluation includes consideration of the employee's medical condition, functional limitations arising out of the work related injury, the existence of additional disabilities, medications taken, employment history, family constellation, transferable skills and employment prospects or goals.

The process of determining an applicant's suitability for vocational rehabilitation involves four additional factors:

- 1) the necessity of the rehabilitation,
- 2) the feasibility of the rehabilitation,
- 3) realistic and justified vocational goals and
- 4) the worker's commitment to pursue vocational rehabilitation

N.B. 'Necessity' and 'feasibility' are defined in the attached regulation 452 CMR 4.02.

When an applicant is found suitable for vocational rehabilitation services, he/she is ready to work with a rehabilitation provider on the development of an IWRP. The program can be as simple as a return to a prior job with a modified work site or in some instances as complex as training with a new prosthetic device on an adapted piece of equipment to a modified work space in a new occupation.

N.B. Excluded from this proposal for vocational rehabilitation services are medical management and treatment services for medical conditions.

RESTRICTIONS

Pursuant to 452 CMR 4.04(3), approved vocational rehabilitation providers who perform hypothetical labor market surveys or any other claim function for insurers, self-insurers, or members of a self-insurance group cannot provide vocational rehabilitation services on the same case.

SCOPE OF SERVICES

OEVR, on behalf of the Department, seeks rehabilitation providers who can offer the following vocational rehabilitation services to claimants entitled to such benefits under M.G.L. c. 152, § 30H:

- Vocational assessment
- Work evaluation
- Job analysis
- Job modification
- Vocational counseling
- Job development and placement
- Other specialized vocational services

All providers are required to observe all applicable federal, state and local laws, regulations, and ordinances and to honor the client's rights to confidentiality.

Attendance at any training meetings or conferences held by OEVR is strongly recommended. Failure to so attend may negatively affect the provider's approved status.

PROVIDER QUALIFICATIONS

To initially qualify for approval, applicants must meet the organizational and professional requirements set forth in the above-cited regulations and this RFR. To subsequently qualify for approval, applicants must meet these same organizational and professional requirements as well as the annual evaluation criteria set forth below and in 452 CMR 4.04. Providers not meeting the annual evaluation criteria as set forth in 452 CMR 4.04 and this RFR may, at the discretion of the Department, provide services on a conditional basis, the terms of which will be set out and agreed upon by both parties in writing.

Rehabilitation providers in the public sector may become approved if they are a state vocational rehabilitation agency or employment and training agency which delivers vocational rehabilitation or placement services to persons with functional limitations. Rehabilitation providers in the private sector can include insurers, self-insurers, or private vocational rehabilitation organizations including corporations, partnerships, and sole proprietorships engaged in the provision of vocational rehabilitation services or direct job placement of persons with functional limitations.

In addition, personnel who will be providing the rehabilitation services **must** meet the qualifications set forth in 452 CMR 4.03(2). Those individuals who fail to meet the criteria set forth in the vocational rehabilitation regulations (452 CMR 4.00 et seq) may still qualify to provide services if they do not serve as the primary case manager and if they provide services only under the supervision of a qualified counselor. Such supervision includes co-signing any report or plan required by the OEVR. No supervised employee shall share his or her supervision with more than three (3) other such employees.

Providers **must** certify that all personnel in their employ who will provide vocational rehabilitation services meet the above criteria. To this end, evidence of education and experience through curriculum vitae and, where necessary, backup documentation (such as transcripts, licenses and diplomas) **must** be provided.

Personnel **must** be further described in the following manner: (ex. Organization A employs six vocational rehabilitation counselors. Two counselors qualify under the designation of

certified rehabilitation counselor; two counselors qualify under the category of R.N. with three years experience and two qualify under the category of ten years work experience in vocational rehabilitation). A signed statement certifying veracity of the credentials must precede this staff description as provided for in Attachment III. Misrepresentation of any credentials may, at the discretion of the Department, constitute sufficient cause for the removal of a rehabilitation provider from the approved list of providers.

ANNUAL EVALUATION

The annual evaluation conducted by OEVR, on behalf of the Department, shall include an overall review of the quality and costs of services provided. Particular attention shall be paid to the achievement of program goals. OEVR will specifically examine the provider's work product, the timeliness and quality of services rendered as specified in the OEVR guidelines for providers, and the successful return to employment in accordance with the IWRP or program amendment.

OEVR, on behalf of the Department, may choose, at its discretion, to recertify applicants on a conditional basis who fail to achieve an overall satisfactory annual evaluation.

SERVICE REQUIREMENTS FOR ALL CASES

The Office of Education and Vocational Rehabilitation (OEVR) will expect a provider analysis and an IWRP to be submitted by the provider within ninety (90) days of each referral. Monthly progress reports are also expected to be filed every thirty (30) days unless otherwise specified.

Any and all filings, including IWRPs, must be on forms subject to the approval of OEVR.

The rehabilitation provider will provide quarterly statistics which shall include: the client's name, address, date of birth, date of injury, date of referral, DIA board no. if known or the social security no.

ATTACHMENT I
REHABILITATION PROVIDER
CERTIFICATION FORM

NAME _____

ADDRESS _____

TELEPHONE # _____ TAX I.D.# _____

NATURE OF BUSINESS _____

BUSINESS ORGANIZATION _____
(sole proprietorship, partnership, corporation)

PRINCIPAL SERVICES _____

SPECIALTIES _____

OTHER BUSINESS LOCATIONS _____

ATTACHMENT II
AFFIDAVIT OF COMPLIANCE

1. Corporation

I, _____,
name of officer position of officer

of _____ whose principal office is located at:
name of corporation

address of corporation

do hereby certify that the above-named corporation has filed with the State Secretary all certificates and annual reports required by Chapter 156B, Section 109 (business corporation), by Section 4 (foreign corporation), or by Chapter 180, Section 26A (non-profit corporation) of the Massachusetts General Laws and has complied with all laws of the Commonwealth relating to taxes.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this ____ day of _____, 20____

by _____
signature of authorized corporate officer

2. Unincorporated Entity

_____ Proprietorship _____ Partnership

I, _____, of _____
name of proprietor/partner name of proprietorship/partnership

located at _____
address of proprietorship/partnership

do hereby certify that the above-named business has filed with the Office of the Clerk in the appropriate city or town within the Commonwealth all certificates, has paid all fees required by Chapter 110, Section 5 of Massachusetts General Laws and has complied with all laws of the Commonwealth relating to taxes.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this ____ day of _____, 20____

by _____
signature of proprietor/partner

ATTACHMENT III
AFFIDAVIT OF QUALIFICATIONS

I, _____, as _____
 name position

of _____, whose principal place of business is
located at _____
 address of business organization

do hereby certify that the following _____ individuals are credentialed in
 number
accordance with the provisions of 452 CMR 4.03 to provide vocational
rehabilitation services pursuant to M.G.L. c. 152, as demonstrated by the
attached **curriculum vitae, certifications and licenses.**

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY this ___ day of
_____, 20___

by _____
signature of authorized corporate officer/proprietor/partner

452 CMR: DEPARTMENT OF INDUSTRIAL ACCIDENTS

452 CMR 4.00: VOCATIONAL REHABILITATION

Section

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- 4.07: Design of Individual Written Rehabilitation Program
- 4.08: Amendment, Suspension or Termination of the Rehabilitation Program
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4.01: Scope and Authority

452 CMR 4.00 is promulgated pursuant to M.G.L. c. 152, § 1(12) for the purpose of carrying out the requirements of M.G.L. c. 152 relative to the provision of appropriate vocational rehabilitation services as overseen by the Office of Education and Vocational Rehabilitation (OEVR).

4.02: Definitions

Amendment to the Individual Written Rehabilitation Program, as used in 452 CMR 4.00, shall mean any addition, deletion, or substitution in the employment goal, scope of services, responsibilities, or costs of the individual written vocational rehabilitation plan.

Catastrophic Injury, as used in 452 CMR 4.00, shall be one in which an individual has sustained loss of function involving, but not limited to, any of the following conditions:

- (a) mangling, crushing or amputation of a major portion of an extremity;
- (b) traumatic injury to the spinal cord that has caused or may cause paralysis;
- (c) severe burns that require burn center care; or
- (d) serious head injury, loss of vision in both eyes, or loss of hearing in both ears.

Determination of Suitability, as used in 452 CMR 4.00, shall mean an evaluation of an injured employee as to appropriateness for vocational rehabilitation services by a vocational rehabilitation review officer employed by OEVR, referred to in M.G.L. c. 152, § 30G.

Feasibility of Vocational Rehabilitation, as used in M.G.L. c. 152, § 30H, and 452 CMR 4.00, shall mean the practicality of recommending vocational rehabilitation services with respect to the cost-benefit ratio of such services, predictable return to function and duration of future employment, and the injured employee's pre-injury wage.

Functional Limitation, as used in 452 CMR 4.00, shall mean the residual effect of physical or psychiatric injury or occupational disease as related to capacity to work.

Individual Written Rehabilitation Program (IWRP), as used in 452 CMR 4.00, shall mean the source document for the injured employee's individual rehabilitation program, referred to in M.G.L. c. 152, § 30G, which lists the services, costs, and responsibilities of all participants and which is developed by an OEVR certified rehabilitation provider but approved by the office of education and vocational rehabilitation.

Mandatory Meeting, as used in M.G.L. c. 152, § 30G and 452 CMR 4.00, shall mean the initial interview between a workers' compensation recipient and a vocational rehabilitation review officer employed by OEVR.

4.02: continued

Necessity of Rehabilitation, as used in M.G.L. c. 152, § 30H and 452 CMR 4.00, shall mean circumstances in which an injured employee can not return to his or her former job with his or her former employer without job modification or job redesign, or placement in another job with or without retraining because of the functional limitation resulting from his or her injury.

Qualified Rehabilitation Counselor, as used in 452 CMR 4.00, shall mean any person who is approved to serve workers' compensation recipients pursuant to 452 CMR 4.03(2).

Reasonable Incidental Costs, as used in 452 CMR 4.00, shall mean the cost of travel to a rehabilitation program site, as well as other expenses directly related to the rehabilitation program without which the injured employee would be unable to participate.

Successful Rehabilitation, as used in 452 CMR 4.00, shall mean 60 days of consecutive employment in a job compatible with the IWRP.

Systemic Injury, as used in 452 CMR 4.00, shall mean an injury which affects an entire body system, such as the respiratory or neurologic system, as opposed to an injury which limits function in one area, such as a muscle sprain or strain.

Team Meeting, as used in 452 CMR 4.00, shall mean a special meeting with OEVR inclusive of all parties involved in the vocational services being administered to an injured employee.

Transferable Skills, as used in 452 CMR 4.00, shall mean any combination of learned behavior, natural talents, and work-related skills which can be adapted from one work setting to another.

4.03: Qualifications and Standards of Providers

(1) Vocational rehabilitation services may be provided to injured employees only by organizations approved by OEVR as qualified providers. Requests for such approval may be submitted to OEVR by:

- (a) any state vocational rehabilitation agency or employment and training agency which delivers vocational rehabilitation services or placement services to handicapped persons, or
- (b) any insurer, self-insurer, or private vocational rehabilitation organization, including corporations, partnerships, and sole proprietorships engaged in the provision of vocational rehabilitation services or placement of handicapped persons in employment.

(2) Any such vocational rehabilitation provider shall furnish to the office of education and vocational rehabilitation certification that each rehabilitation counselor who serves workers' compensation recipients has attained any or all of the following credentials:

- (a) the certified rehabilitation counselor designation or the certified disability management specialist designation;
- (b) a master's degree in vocational rehabilitation and a minimum of one years work experience in vocational rehabilitation;
- (c) a bachelor's degree and a minimum of five years work experience in vocational rehabilitation, unless the bachelor's degree is in vocational rehabilitation in which case the counselor shall have attained at least two years work experience in vocational rehabilitation;
- or
- (d) licensure as a rehabilitation counselor from the board of allied mental health and human services professions.

(3) No employee of a vocational rehabilitation provider shall have primary responsibility for a workers' compensation rehabilitation case unless he or she has been approved as a qualified rehabilitation counselor pursuant to 452 CMR 4.03(2). Employees hired to serve workers' compensation rehabilitation recipients during the certification year must be approved by OEVR as qualified rehabilitation counselors prior to working such cases. Qualified providers must notify OEVR in writing of any qualified rehabilitation counselor staff changes when they occur during the certification year.

4.03: continued

(4) Approval of a vocational rehabilitation provider shall be effective for up to one year from the date of approval. Any provider which has secured such approval may request that OEVR renew such approval. Any such renewal shall be effective for up to one year from the date of renewal. In considering whether approval or renewal is appropriate, OEVR shall determine whether the provider has:

- (a) observed all applicable federal, state, and local laws, regulations, as well as OEVR regulations and policies;
- (b) accurately represented its services and credentials in reports or certifications required by OEVR, and in any advertisements;
- (c) avoided conflicts of interest in the provision of vocational rehabilitation services;
- (d) honored injured employees' rights to privacy; and
- (e) maintained a satisfactory performance record with OEVR if applying for recertification.

4.04: Evaluation, Suspension and Removal of Providers

(1) Pursuant to M.G.L. c. 152, § 30H, each rehabilitation provider which offers services to workers' compensation recipients shall be evaluated periodically by OEVR. The evaluation shall focus on the quality of services provided based on file audit and/or a review of monthly progress reports and IWRPs, interactions with OEVR staff and injured workers, the costs of such services, and the results achieved by such services as determined by number of clients returned to employment. OEVR will also consider the providers record relative to the avoidance of conflicts of interest in the provision of vocational rehabilitation services. In conducting such an evaluation, OEVR shall monitor and evaluate each individual written rehabilitation program implemented by the provider, documenting the injured employee's utilization of services and achievement of program goals.

(2) OEVR shall notify in writing any rehabilitation provider who, according to the periodic evaluation, fails to meet service or cost effectiveness standards. Such notice shall state specifically the reasons for OEVR's finding of sub-standard performance. In order to satisfy OEVR that a performance deficiency has been corrected, each such provider shall submit any documentation required by OEVR to monitor and evaluate corrective actions taken by the provider. Unless the provider corrects each stated performance deficiency within 30 calendar days from the receipt of such notice, said provider may be suspended or removed by the commissioner from OEVR's list of approved providers. In the event that the provider is removed from the approved list of providers, an appeal may be submitted in writing to the Director of the Department within 14 days of such providers receipt of notice of removal or suspension.

(3) Certified providers performing any type of claims functions apart from vocational rehabilitation services, including hypothetical labor market surveys and earning capacity evaluations, shall be prohibited from providing vocational services to the same injured employee.

4.05: Mandatory Meeting

(1) Whenever an insurer makes payments pursuant to a memorandum submitted to the department pursuant to 452 CMR 1.05(2), or pursuant to an order or decision of an administrative judge, OEVR may contact the injured employee, to determine whether an initial interview is appropriate.

(2) Information gathered by OEVR at the initial interview shall be used to determine whether rehabilitation services are necessary and feasible. Such information shall include, but need not be limited to the injured employee's:

- (a) functional limitations;
- (b) employment history;
- (c) transferrable skills;
- (d) work habits;
- (e) vocational interests;
- (f) pre-injury earnings;
- (g) financial needs; or
- (h) medical information.

4.06: Notice to Insurer of Suitability

OEVER shall notify the insurer in writing of its determination of suitability and whether vocational rehabilitation has been found to be necessary and feasible for an injured employee. Within ten working days of receipt of such notification, the insurer shall provide to OEVER all pertinent medical records on the injured employee if not previously submitted. If the insurer fails to produce the requested medical information and the treating physician is unable to provide a current medical report, OEVER shall order an impartial medical examination, the reasonable cost of which shall be reimbursed by the insurer. Otherwise, OEVER will determine suitability based on the information submitted.

When the injured employee, on the date of such determination, has not been referred to an approved provider, OEVER will request in writing that the insurer provide vocational rehabilitation services to the injured employee through an approved provider as outlined in 452 CMR 4.03 within 30 days of the receipt of the request.

If the insurer fails to assign an approved provider after they have received a second request from OEVER to do so, OEVER will assign an approved provider who will initiate services and, if appropriate, develop an IWRP. The cost of such services and program shall be assumed by the Workers' Compensation Trust Fund under M.G.L. c. 152, § 65(2)(d) and the insurance company will be assessed pursuant to M.G.L. c. 152, § 30H upon the attainment of a successful rehabilitation as defined in 452 CMR 4.02.

4.07: Design of Individual Written Rehabilitation Program

(1) In the event that OEVER determines that vocational rehabilitation services are necessary and feasible for an injured employee, and a certified provider has been assigned, OEVER shall proceed as follows:

- (a) The qualified provider must provide progress reports every 30 days beginning 30 days after the first meeting with the injured worker.
- (b) An individual written rehabilitation plan shall be developed for injured employees found suitable for services within 90 days of the qualified provider's receipt of the referral from the insurer or OEVER. If circumstances do not allow for such a plan to be developed within such time then OEVER shall be notified of the delay, in writing by the provider, as soon as possible but no later than 30 days after the original due date of the IWRP. That written notice from the qualified provider shall note the reasons for the delay and a proposed timeline for submission of the written plan.

(2) Vocational rehabilitation services set out in an individual written rehabilitation program may include, but need not be limited to:

- (a) vocational assessment;
- (b) work evaluation;
- (c) job analysis;
- (d) job modification;
- (e) vocational counseling;
- (f) job placement and follow-up;
- (g) on the job training; or
- (h) retraining.

(3) All IWRPs shall be signed by all parties and submitted to OEVER on forms approved by OEVER.

OEVER shall require that the individual written rehabilitation program (IWRP) be sent to OEVER and to any person participating in the implementation of the program. OEVER shall either approve or disapprove the program within ten calendar days from the date of receipt of the program.

Any comments on the program shall be submitted by participants to OEVER within seven calendar days of date of OEVER's receipt of the program. In the event that the insurer, OEVER, or the injured employee disproves of the rehabilitation services planned for him or her, no such IWRP shall be approved by OEVER until a representative of the insurer authorized to approve expenditures for rehabilitation, the rehabilitation provider, and the injured employee have met with OEVER and agreed on the employment goal, the scope of services, and the cost of the program.

NON-TEXT PAGE