

Worker's Compensation Insurance Letter

INS #	416
Date	August 10, 2000
Program	Claims Management
Type	Procedural Change
Replaces	None



State of Wisconsin
Department of Workforce Development

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To: Insurance Carriers' and Self-Insured Employers' Claims Handling Offices, Private Vocational Rehabilitation Specialists and Attorneys
From: Judy Norman Nunnery, Division Administrator
Subject: Temporary change in process for worker's compensation claimants to receive vocational rehabilitation services due to the temporary closing of all Order-of-Selection (OOS) categories by the Division of Vocational Rehabilitation (DVR) and suspension of services to new DVR clients.

Purposes:

- Communicate a temporary change in procedure to assure continued service for injured workers in need of vocational rehabilitation assistance
- Explain the effect of DVR's closing of OOS categories for worker's compensation claimants
- Request updates to the Worker's Compensation listing of certified vocational rehabilitation specialists.

Background: DVR has announced an indefinite suspension of vocational rehabilitation services to anyone who applies for their services. Effective August 21, 2000, DVR will temporarily close all of its OOS categories and suspend services for all individuals who do not have an approved Individualized Plan for Employment (IPE). DVR will continue to provide services for those with approved IPE's and will determine eligibility for services and assistance for new applicants.

Until now, WC claimants who needed vocational rehabilitation assistance were primarily served by DVR. Private, certified counselors provided services in only a few cases where DVR was unable to serve them.

Until DVR resumes services, the Worker's Compensation Division (WCD) will refer injured workers who are determined eligible for services by DVR to private, certified counselors (sample referral letter enclosed).

DVR estimates that approximately 300 WC claimants who applied for services prior to August 21, will not have an approved IPE by August 21, and will need employment plans and services from private counselors. The WCD will begin making referrals to private certified counselors soon after August 21, 2000, when it receives information from DVR that identifies eligible workers. The WCD will mail a copy of its referrals to the insurer's claims handling address.

DVR's actions were based on recommendations made by the federal Rehabilitation Services Administration (RSA) and the Wisconsin Rehabilitation Council (WRC). The Department of Workforce Development projected that resources needed for requests for vocational rehabilitation services in State Fiscal Year 2001 (SFY01) would exceed available resources. Reopening of closed OOS categories will not occur until DWD can assure sufficient resources exist to service eligible consumers.

Under the Rehabilitation Act of 1973, each individual with a disability who is eligible for vocational rehabilitation services but placed in a closed OOS category will receive a referral to appropriate services. Workers Compensation claimants found eligible for services will be referred to certified private rehabilitation specialists by the Worker's Compensation Division.

Enclosed are copies of DVR communications to stakeholders and consumers explaining the DVR circumstances and the impacts on persons applying for services. Also, enclosed are copies of ss. 102.43(5), 102.61, Wis. Stats., and Wis. Admin. Code DWD s. 80.49, the principle Wisconsin worker's compensation laws relating to rehabilitation law.

Action Requested:

Insurers and Claims Administrators:

Ensure that your staff become aware of this change and understand the Wisconsin laws relating to vocational rehabilitation services in this situation. Anticipate communications from private certified counselors regarding employment plans and rehabilitation services.

Private Vocational Rehabilitation Specialists:

If you no longer wish to provide services to workers compensation claimants, please notify us and we will remove your name from our listing.

If you wish to make any changes in the geographic areas you will cover for our program, please notify us of these changes so that we may update our records.

As a reminder, certified specialists must have national professional certification or a Wisconsin professional license. Please notify us if the status of your license or certification has changed. Specialists must be able to provide injured workers with a full range of services including job placement and the development of training plans.

In anticipation of the increase in private rehabilitation referrals, we are attaching copies of the quarterly report form for your use as well as a copy of a memo regarding the annual adjustment of payments to private vocational rehabilitation specialists.

As a private vocational rehabilitation counselor, you are required to file quarterly reports outlining services provided. All specialists who have been selected by claimants should submit the quarterly report form to the Worker's Compensation Division. Reports are due by the 5th day of January, April, July, and October. Please submit the report for all claimants regardless of the length of time of your involvement with the claimant.

Enclosed is a form to notify the insurance carrier or self-insured employer and the Worker's Compensation Division that an injured worker has selected you to provide rehabilitation services.

Inquiries: If you have questions about the above change, please contact Abby Butler at (608)266-6771 or at e-mail address: Butlea@dwd.state.wi.us

Enclosures: DVR stakeholder and consumer sample letters; Principle WC statutory language; sample referral letter to private certified counselors; Quarterly report form; Notification of services;

References: Worker's Compensation Division Internet Site <http://www.dwd.state.wi.us/wc/> ; Ss. 102.43(5); 102.61, Wis. Stats.; Wis. Admin. Code, s. DWD 80.49