

**MARYLAND WORKERS' COMPENSATION COMMISSION  
VOCATIONAL REHABILITATION SUB-COMMITTEE'S PROPOSAL FOR VOCATIONAL  
REHABILITATION SERVICES**

**DATE: February 26, 2009**

**I. SELECTION PROCESS:**

- A. If the parties agree to a registered vocational rehabilitation organization or DORS as the provider, no formal selection process is necessary.
- B. Referrals should be made to registered vocational rehabilitation organizations or DORS.
- C. The Commission website should provide information regarding the registered vocational rehabilitation organizations which includes their name, address, website address and telephone number.
- D. If the parties agree that a vocational rehabilitation referral is appropriate but cannot agree on a registered vocational rehabilitation organization or DORS, each party has five (5) business days from the date of notice to notify the Commission of the dispute and within (5) business days to name three (3) registered vocational rehabilitation organizations or DORS electronically. The parties strike two, leaving two possible registered vocational rehabilitation organizations or DORS from which the Commission will randomly select one and inform all parties, who shall be bound thereby.

**II. LEVEL OF SERVICE:**

- A. Vocational Rehabilitation Plans shall follow the hierarchy of services (COMAR).
- B. The initial written report shall be provided within thirty (30) days, with subsequent written reports provided every thirty (30) days with all reports copied to all authorized parties.
- C. The vocational rehabilitation company or DORS shall make recommendations concerning the rehabilitation process including, but not limited to, the need for a Functional Capacity Evaluation (FCE) and vocational testing. The stipulated Vocational Rehabilitation Plan will be the controlling document for the provision of vocational rehabilitation services.
- D. Should a dispute arise regarding vocational rehabilitation services, the parties shall contact the Duty Commissioner and/or the WCC Division of Rehabilitation Services. A hearing will be held within 5 business days.

- E. Fifteen (15) days prior to the expiration date of the stipulated Vocational Rehabilitation Plan, the vocational rehabilitation company or DORS shall contact all parties and make recommendations to either discontinue services, extend services or to develop a new Plan within the hierarchy of services (COMAR). Disagreement over the recommendations shall be resolved in accordance with II. C. The vocational rehabilitation company or DORS shall appear at the hearing with their recommendations.
- F. Any contact with or about the injured worker, by the vocational counselor or nurse case manager, whether in person, in writing or electronic, shall be shared with all authorized parties.
- G. The vocational rehabilitation counselor and nurse case manager shall provide services only within the scope of their practice.
- H. The vocational rehabilitation counselor and nurse case manager shall provide the injured worker with written notification within 7 calendar day when services have been suspended.
- I. The vocational rehabilitation counselor and nurse case manager shall disclose the nature of their dual relationship at the onset of services by describing their role and responsibility to the injured worker.
- J. Injured workers have a right to privacy during healthcare examinations. The vocational rehabilitation counselor and nurse case manager may seek the healthcare provider's opinions, thereafter, jointly with the injured worker.
- K. The vocational rehabilitation counselor and nurse case manager shall use the WCC employee claim form for release of information consent from the injured worker with no other releases required.
- M. The vocational rehabilitation counselor shall practice with autonomy and professionalism by not allowing the assessment or vocational rehabilitation plan to be directed and/or constrained by restrictions imposed by any party.

### **III. FINANCIAL CONSIDERATIONS/FEES:**

- A. The parties are on notice that under the authority of Section LE 9-734, LE9-310 of the Act and COMAR 14.09.01.24 the WCC may award reasonable attorney fees in disputes arising out of vocational rehabilitation issues when deemed necessary given the particular facts of a claim.

# Notice of Public Meeting

**DATE:** April 23, 2009

**Time:** 1:00 pm to 3:00 pm

**Place:** Workers' Compensation Commission, 10 E. Baltimore Street, 4<sup>th</sup> Floor  
Baltimore, MD 21202

**Purpose:** Public Meeting to solicit comments on the Worker's Commission Vocational Rehabilitation Sub-Committee's proposed recommendations regarding the vocational rehabilitation selection process, level of service provided for injured workers and attorneys fees.

## Rules of Procedure

This procedure follows State of Maryland legislative committee proceedings.

1. Comments must be received by Friday, April 10, 2009.

Written comments are directed to:

**Regina Brown, Director**  
**Workers' Compensation Commission, Support Services Division**  
**10 East Baltimore Street**  
**Baltimore MD 21202**

or via email to:  
[rbrown@wcc.state.md.us](mailto:rbrown@wcc.state.md.us).

2. Parties who have submitted written comments have the first opportunity to speak at the hearing; others will have this opportunity time permitting.
3. Questions will be directed to Commissioner Jeffrey C. Herwig and must be limited to issues pertinent to the proposed recommendations.
4. Sub-Committee members may question speakers.
5. Each speaker will be allotted a maximum of 10 minutes.
6. Only one speaker representing any organization, association, commercial interest or business shall be permitted to speak at the hearing.