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ALERT! ALERT! ALERT! ALERT! ALERT! ALERT!

September 10, 2003

TO: All Carriers, Self-Insurers, Third Party Administrators, Qualified Rehabilitation Providers and Other Interested Parties

FROM: Reginald L. Watkins, Chief,
Bureau of Rehabilitation & Reemployment Services

RE: Rehabilitation and Reemployment Services Bulletin

The attached Bulletin contains information regarding the certification requirements for Qualified Rehabilitation Providers under Rule 6A-22.002, Florida Administrative Code and Section 440.491, Florida Statutes.

Attachments

Bulletin No. RES - 1

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**REHABILITATION & REEMPLOYMENT SERVICES
BULLETIN**

**Department of Education
Division of Vocational Rehabilitation
Bureau of Rehabilitation and Reemployment Services
2728 Centerview Drive – Suite 101-A, Forrest Building
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This Bulletin includes information on the following topics:

<u>ITEM</u>	<u>TOPIC</u>
A.	Qualified Rehabilitation Provider Certification Requirements
B.	Interns Working Under Qualified Rehabilitation Providers
C.	Use of Non-Certified Rehabilitation Providers
D.	Non Qualified Rehabilitation Providers Working Under the Florida Number of A Qualified Rehabilitation Provider Listed in the Directory
E.	Workers' Compensation Managed Care Arrangements Case Management Requirements
F.	Companies/Carriers Advertising for Non-Certified Rehabilitation Providers
G.	Submission of Invalid Qualified Rehabilitation Provider Numbers
H.	Education/Technical Assistance

QUALIFIED REHABILITATION PROVIDER CERTIFICATION REQUIREMENTS

The responsibilities for rehabilitation provider qualifications under Rule 6A-22.002, F.A.C., and Section 440.491 (7) (d), F.S., comes under the purview of the Florida Department of Education, Division of Vocational Rehabilitation, Bureau of Rehabilitation and Reemployment Services (BRRS). These responsibilities include monitoring and evaluating each rehabilitation service provider, facility and agency under this subsection to ensure compliance with minimum qualifications and credentials established by administrative rules. In doing this, the BRRS shall investigate and maintain a Directory of each qualified public and private rehabilitation provider, facility, and agency, and shall establish by rule the minimum qualifications, credentials and requirements that each rehabilitation service provider, facility, and agency must satisfy in order to be eligible for listing in the Directory. The requirements for listing in the Directory can be found in Rule 6A-22.002, F.A.C. The Florida Statutes under Section 440.491(7), requires that a qualified service provider, facility or agency may not be authorized by an employer, a carrier, or the Division (BRRS) to provide services, including expert testimony, under this section in this State unless the provider, facility or agency is listed or have been approved for listing in the Directory.

Interns Working Under Qualified Rehabilitation Providers:

Currently, there appears to be some misconception in the industry that individuals (**Interns**) who do not possess the required credentials at the time of application for listing in the Directory may be approved by the BRRS to provide voluntary medical care coordination, vocational rehabilitation services or vocational evaluations under the direct supervision of a nurse, counselor or evaluator currently listed in the Directory. In review of carriers for compliance purposes, the BRRS is finding instances where carriers, companies, employers and facilities are inappropriately utilizing the services of individuals under the “Intern” category that do not meet the minimum qualifications and credentials required for listing in the Directory. Under previous Rule 38F-8.039, F.A.C., effective March 26, 1984, the use of Interns were allowable. However, that rule allowing the use of Interns was repealed on November 12, 1995. Therefore, as a point of clarification, the use of any individual in the capacity of an Intern by an employer, carrier, agency or facility that does not meet the BRRS certification requirements and credentials as established by administrative rule is in violation of established administrative policy under the Florida Workers’ Compensation System. In essence, individuals who do not meet the qualified rehabilitation provider certification requirements, and have not been assigned a Florida qualified rehabilitation provider number should not be providing services for injured workers under any circumstances.

The repeal of Rule 38F-8.039 was published in the Florida Administrative Weekly in Volume 21, Number 35, on September 1, 1995. In addition, the new Reemployment Services’ Rules 38F-55.001-015, F.A.C., which did not include provisions for the use of Interns were sent to all carriers, qualified rehabilitation providers and other interested parties on July 10, 1996.

Use of Non-Certified Rehabilitation Providers:

Carriers and/or employers that are currently utilizing the services of non-certified rehabilitation providers that do not meet the minimum qualifications and credentials established by administrative rule is in violation of compliance requirements under Section 440.491 (7), F.S., and Rule 6A-22.002, F.A.C. As a result, the employing entity should immediately discontinue utilizing the services of all individuals not in compliance with the certification requirements. In an effort to clarify and assist appropriate entities in understanding the rehabilitation provider certification requirements, the following links are being provided:

Section 440.491, Florida Statutes (www.flsenate.gov/statutes)

Rule 6A-22, Florida Administrative Code (www.firn.edu/doe/rules/rules.htm)

In order for individuals to become qualified rehabilitation providers under the Florida Workers' Compensation System and listed in the Directory, they must possess one of the following credentials:

Rehabilitation Nurse:

- A current Florida license as a registered professional nurse, and
- A current C.R.R.N. certificate as a Certified Rehabilitation Registered Nurse from the Association of Rehabilitation Nurses (<http://www.rehabnurse.org/>), or
- A current C.O.H.N. certificate as a Certified Occupational Health Nurse from the American Board for Occupational Health Nurses (<http://www.abohn.org/>), or
- A current C.R.C. certificate as a Certified Rehabilitation Counselor from the Commission on Rehabilitation Counselor Certification (<http://www.crc certification.com/>), or
- A current C.D.M.S. certificate as a Certified Disability Management Specialist from the Certification of Disability Management Specialists Commission (<http://www.cdms.org/>).

Rehabilitation Counselor:

- A current C.R.C. certificate as a Certified Rehabilitation Counselor from the Commission on Rehabilitation Counselor Certification (<http://www.crc certification.com/>), or
- A current C.D.M.S. certificate as a Certified Disability Management Specialist from the Certification of Disability Management Specialists Commission (<http://www.cdms.org/>)

Vocational Evaluator

- A current C.V.E. certificate as a Certified Vocational Evaluator from the Commission on Certification of Work Adjustment and Vocational Evaluation Specialists (<http://www.ccwaves.org/>).

Facilities and Hospitals:

- Current accreditation by CARF in a specific vocational rehabilitation program in which the facility will provide services, and
- Designation on the application of the qualified rehabilitation counselor or vocational specialist who will be a member of the core team to provide services to injured workers.

Companies:

•Employ qualified rehabilitation providers and are incorporated under Chapters 607 and 617, F.S., or area partnership under Chapter 620, F.S.

Applicants:

Applicants applying for renewal shall submit a non-refundable \$25.00 biennial renewal fee, and a signed, typed and completed qualified rehabilitation provider application on form DWC-96, which is incorporated by reference into this rule, and a copy of current certification and applicable licensure.

Attendance at a BRRS sponsored or approved qualified rehabilitation provider workshop is required before the initial application and also before each renewal. An applicant whose qualified rehabilitation provider number has expired shall not provide services to injured workers until notification of renewal and approval is received from the BRRS.

Each applicant shall submit a signed, typed and completed form DWC-96, proof of attendance at a BRRS sponsored or approved qualified rehabilitation provider workshop, and a non-refundable check or money order in the amount of \$25.00 payable to Workers' Compensation Administrative Trust Fund to the Department of Education, Bureau of Rehabilitation and Reemployment Services, 2728 Centerview Drive, 101A Forrest Building, Tallahassee, Florida 32399-0400. Illegible or unsigned applications and applications submitted without the application fee shall be returned.

Non-Qualified Rehabilitation Providers Working Under the Number of A Qualified Rehabilitation Provider Listed in the Directory:

In many instances, the bureau is finding in its monitoring and review of reemployment services forms, that some carriers and employers are attempting to circumvent the qualified rehabilitation provider certification process. Our review findings indicate that non-qualified rehabilitation providers, facilities and agencies are being allowed to report the services that they are providing for injured workers using the Florida number of a qualified rehabilitation provider who is appropriately listed in the Directory. This practice is inappropriate and should be discontinued immediately since only individuals meeting the certification and credential requirements established by administrative rule should be providing services for injured workers under the Florida Workers' Compensation System. Any use of non-certified rehabilitation providers is in violation of administrative rule [6A-22, F.A.C.] and Florida Statutes [s.440.491 (7)].

When it is determined through the review of documentation that a qualified rehabilitation provider, facility or company is allowing non-certified providers to bill for services under their Florida assigned number, the BRRS will revoke the approval of the responsible entities to continue to provide services for injured workers because of misrepresentation. In addition, the BRRS will refer the responsible entities to the ethics committee at their respective credentialing board(s).

Workers' Compensation Managed Care Arrangements Case Management Requirements:

Some rehabilitation providers have questioned when conducting internal, external or field case management, whether the qualified rehabilitation provider certification is required when providing services within a Managed Care Arrangement. Case management in the context of medical care coordination or other reemployment services as defined in Section 440.491, F.S., and Rule 6A-22 F.A.C., requires that the servicing provider be a qualified rehabilitation provider when these services are paid for by the employer/carrier or third party administrator. In addition, all services must be reported and billed on form DWC-21 (reemployment services billing form) and forwarded to the BRRS only by the appropriate carrier. Further, Section 440.491, F.S. does not make a distinction between internal and external medical care coordination and reemployment services. Therefore, all services provided under Section 440.491, F.S. regardless of the provider type and/or the mechanism of delivery must be provided only by a qualified rehabilitation provider.

Companies/Carriers Advertising for Non-Certified Rehabilitation Providers:

The BRRS has received evidence of advertisements where companies and carriers are improperly advertising for staff that does not meet the minimum qualified rehabilitation certification requirements. Succinctly, the advertisement provides the core job functions and responsibilities for the position and then indicates that the individual must be a qualified rehabilitation provider **or eligibility is required**. For clarification purposes, all individuals providing rehabilitation services for injured workers in Florida must meet the minimum qualifications and credentials as established by administrative rule. Individual's that are eligible based on meeting their certifying body credentialing requirements (i.e. CRC, CDMS, COHN, CRRN, CVE) but have not yet met the BRRS's minimum certification requirements are ineligible to provide services. The individual becomes considered for eligibility by submitting to the BRRS a signed, typed and completed application (Form DWC-96), proof of attendance at a BRRS sponsored or approved workshop, and a non-refundable \$25.00 check/money order payable to the Workers' Compensation Administrative Trust Fund. Individuals **are not eligible** to provide services for injured workers until all applicable requirements have been met and a Florida qualified rehabilitation provider number assigned.

Once the BRRS identifies hiring discrepancies and brings these issues to the attention of the appropriate hiring entities, the adversely affected staff is contacting the BRRS requesting waivers. Many adversely affected staff is also indicating that they were not advised at the time of hire that certification requirements had to be met. Since the BRRS is mandated by administrative rule and statutory requirements to enforce compliance requirements, **no waivers can be granted**. Therefore, companies and carriers should ensure that only qualified rehabilitation providers with an approved and up-to-date Florida assigned qualified rehabilitation provider number is providing services for injured workers.

Submission of Invalid Qualified Rehabilitation Provider Numbers:

In many instances, the BRRS is finding that providers are continuously billing for services using invalid provider numbers that were issued for approval **prior to 1996**. When this occurs, the

invalid number triggers an annotation in the BRRS's automated system indicating that the provider is not certified. The BRRS then has to attempt to match up the invalid number with other comparative information in an effort to determine if the submitter is an approved provider. Therefore, all valid numbers must begin with WC 1 for individuals, WC 2 for facilities and WC 3 for companies. All others numbers beginning with XC, XN, XD, IN, IC, etc., and companies with four digit numbers are invalid.

Education/Technical Assistance:

The Division's Bureau of Rehabilitation and Reemployment Services staff is available to provide guidance, education and technical assistance regarding the qualified rehabilitation provider certification requirements under Section 440.491, F.S., and Rule 6A-22, F.A.C. All carriers and employers must comply with the applicable rules and statutes regarding rehabilitation provider qualifications, without exception.