

STATE OF MINNESOTA

DEPARTMENT OF LABOR AND INDUSTRY

WORKERS' COMPENSATION DIVISION

In the Matter of the Proposed Adoption
by the Minnesota Department of Labor
and Industry, Workers' Compensation
Division, of Amendments to Rules
Governing Qualifying Eligibility
Criteria for Rehabilitation Consultants

**STATEMENT OF NEED
AND REASONABLENESS**

This rule amendment proceeding is limited to the grandfathering provision for qualified rehabilitation consultant ("QRC") interns contained in Minn. Rules pt. 5220.1400, subp. 5. The purpose of the proposed amendment is to permit certain QRC interns to become full-status QRCs if they meet the QRC eligibility requirements that were in effect when they became QRC interns.

Effective February 7, 1984, the eligibility requirements for QRC registration were tightened. As amended, Minn. Rules pt. 5220.1400, subp. 2 prescribes that QRCs and interns have a college degree in one of several areas related to vocational rehabilitation. Previously a high school diploma was adequate for approval. These changes were subsequently clarified by amendments which became effective January 2, 1985.

The 1984 amendments also imposed specific standards regarding QRCs and QRC interns practicing on the effective date of the 1984 amendments. Under part 5220.1400, subp. 5 existing full status QRCs could maintain their registration even if they did not meet the higher qualifying standards of the amended rules. Similarly, QRC interns were permitted to maintain their intern registration even if they did not meet the intern requirements of the amended rules. To become full status QRCs, however, QRC interns would be required to meet the new QRC eligibility criteria. The purpose of this provision was to prevent a last minute rush of QRC intern applicants who could not meet the higher QRC standards of the new rule. As the new rule was intended to upgrade QRC standards, permitting last minute intern applicants to become QRCs by meeting the inadequate old standard was contrary to the purpose of the 1984 amendments.

As a result of the 1984 amendments, approximately 15 QRC interns who were operating as interns on the effective date of the upgrading of QRC standards do not meet the higher QRC standards.

A typical example is an intern with a two year nursing degree. To qualify for QRC status under the new rules, the intern must obtain a four year nursing degree or other qualifying four year degree.

The commissioner's examination of the files of these 15 interns and his knowledge and observation of their work as interns indicates that grandfathering with respect to these persons is not detrimental to the commissioner's goal of providing high quality rehabilitation services to injured employees. Further, as a matter of fairness, the Commissioner believes that those persons who committed to the QRC profession with the reasonable belief that they could eventually qualify as full status QRCs should not be denied QRC status solely by the upgrading standards. Thus, the QRC applications of those interns who were active as interns when the rules changed should now be evaluated under the eligibility criteria in effect prior to the change in the rules. Interns who were not active on the effective date of the change would have to apply to become interns under the new eligibility criteria and are not grandfathered in by the proposed amendments.

IMPACT ON SMALL BUSINESS

The proposed amendments may affect QRC firms. As these firms are service businesses regulated by the Commissioner for standards and costs, Minn. Stat. § 14.115, subd. 7(c)(1984) does not require the Commissioner to consider the small business impact of the amendments.

FISCAL IMPACT ON LOCAL PUBLIC BODIES

The Commissioner has considered the fiscal impact of these rules on local public bodies pursuant to Minn. Stat. § 14.11, subd. 1 (1984) and has found none. No additional financial burdens are placed on local public bodies, as the adoption of these amendments will not require the expenditure of public monies by local bodies.