

Vocational Rehab: The True Meaning of Return to Work

Chairperson: Dr. Phil Adamo

Tuesday, May 2nd

8:55 -9:55 am

*Work Related Injuries Workshop
April 30th & May 1st, 2018*

Statutory Guidelines and The Office of Education & Vocational Rehabilitation at the DIA

Bob Paterwic

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OEVR Mission Statement

The mission of the Department of Industrial Accidents, Office of Education and Vocational Rehabilitation (OEVR) is to assist injured workers, who have accepted or established liability workers' compensation cases under G.L. c. 152, to return to meaningful employment through the delivery of vocational rehabilitation services. To qualify for these services an injured worker must have residual restrictions, due to their work related injury, that prohibit a return to his/her pre-injury job.

The goal of vocational rehabilitation services (VR) delivered to injured workers, under G.L. c. 152, § 30G, is to return an employee to his/her pre-injury average weekly wage (AWW). OEVR is the overseeing authority for these services. It facilitates agreements to return workers to meaningful gainful employment with a focus on wage replacement.



Primary Functions of OEVR

- Identify cases in which VR is required
- Meet with injured workers requiring services.
- Determine suitability for services
- Obtain services from insurers
- Certify and monitor VR service providers
- Lump Sum Consents

Identify cases where services may be required

- Potential cases identified through **CMS reports system**.
- Established selection criteria will flag claims and automatically schedule appointment with Rehab. Review Officer (RRO).
- Other cases identified through direct referrals from **judges, conciliators, attorneys, insurers, or injured workers themselves**. Any party to the claim can make a referral to OEVR.



Meeting with Injured Workers

- RRO meets with injured worker to assess need for services and potential for RTW.
- Items to consider are: *age, education, prior work hx., wage, medical and functional limitations, motivation, and local labor market.* (See 452 CMR § 4.05)
- Are services “necessary and feasible to return the employee to suitable employment”? (152 § 30H)
- Mandatory Mtg. with injured worker. Refusal to meet can result in suspension of weekly benefit (152 § 30G).



Determination of Suitability

- Finding of '**Not Suitable**'. Letter sent to all parties. Case does not go forward. Decision can be appealed to Director of DIA.
- Finding of '**Suitable**'. Letter sent to all parties. Again, decision can be appealed. Also letter requesting assignment of Certified Voc. Rehab. Specialist also sent to carrier.
- Refusal by the injured worker to participate can result in 15% penalty to their benefit.



Obtaining services from insurers

- Insurers are required to assign a certified provider under section 30H. Refusal can result in significant financial penalties.
- Once assigned, the provider will meet with the injured worker and begin the evaluation and planning process.
- Developing a RTW plan -- IWRP

Individual Written Rehabilitation Plan (IWRP)

- Source document for all vocational services for any OEVR client.
- Goal is to return injured worker to job at a similar wage.
- Services can range from job placement assistance, to formal retraining.
Each plan is designed around individual's needs.
- Current functional limitations and any residual skills and abilities will dictate work options.
- Generally the higher the pre-injury wage, the more services may be required to replace that wage.
- Provider files monthly reports with RRO while case is active.
- Case is followed by OEVR to successful placement.



Who provides the VR services?

- OEVR certifies and monitors all vocational service providers for workers compensation in MA. Certification is mandated.
- Qualifications and Standards for Providers are regulated by OEVR and described in 452 CMR §4.03.
- Specific education, licensing, and professional certification are required.
- Recertification process occurs yearly. Providers are monitored for quality, cost-effectiveness, and results achieved.
- Insurers must use only certified providers.



Lump Sum Approval

- OEVR Consent is required for any lump sum proposal that occurs while a claim is found suitable for services and the case is open and active with OEVR.
- A letter must be submitted to the director of OEVR and 116B form completed and signed.



POINTS OF CONTACT

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What an Injured Worker Needs to Know

Lisa Anastos, MA, Esq.
Account Management Executive



returning people
to work, to play, to life

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What employees/injured workers need to know

Vocational Counselors care about your success

Vocational Rehabilitation is all about you

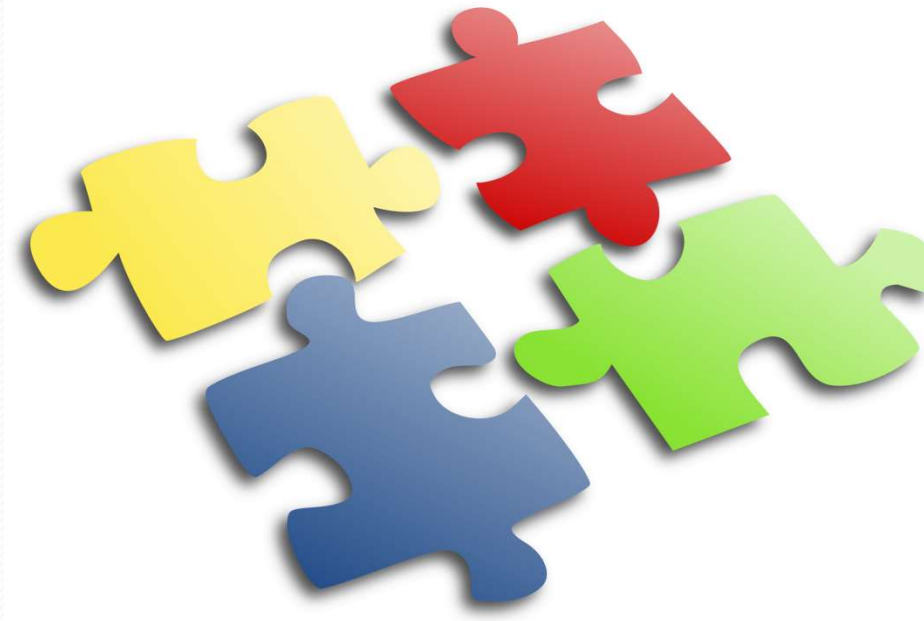
Vocational Rehabilitation is a benefit


Life after an injury may be different but there is hope

Who is your Vocational Counselor



The Initial Assessment



- 
- Educational and Employment Background
 - OEVR Suitability Determination
 - Licenses, Certifications
 - Physical or functional capacity
 - Hobbies, Special Skills
 - Likes, Dislikes
 - Pre Injury AWW

Individual Written Rehabilitation Plan

- Document vocational goal with justification and rationale
- Signed by all parties
- Expectations and accountability
- May be amended




Reporting

- Reports to insurance provider
- Cc to attorney and OEVR
- Content of reports
- Objective communication and goals

End Goals



- 
- Return to gainful employment as close to the pre-injury wage as possible
 - Improving quality of life
 - Developing independent job search skills
 - Building confidence toward a successful life after an injury

Vocational Rehabilitation What the Employer Needs to Know



Sue Chase, MA, CAGS, CRC,
QRC
Vocational Consultant/Partner

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Same Job with Same Employer

Rehabilitation Hierarchy

Step 1

- ❖ Job Analysis – Identifying Essential Job Functions
- ❖ Ergonomics
- ❖ Bio Mechanics
- ❖ Transitional Return to Work – Work Strengthening
- ❖ Adaptive Tools/Accommodations



Different Job with Same Employer

Rehabilitation
Hierarchy

- ❖ Alternative Job
- ❖ Skills Enhancement
- ❖ Formal Training

Step 2



Different Employer, Similar Job

Rehabilitation
Hierarchy

❖ Physical demands more compatible to
residual level of function

Step 3



Different Employer, Different Job

Rehabilitation Hierarchy

Step 4

- ❖ Transferable Skills Analysis
- ❖ Evaluate avocational interests and abilities
- ❖ On the job training



Retraining

Rehabilitation Hierarchy

- ❖ Enter into a new profession with specific training compatible with labor market demands

Step 5



Strategies

What can an
Employer
Do to return
An Injured
Worker to
Work?

- ❖ Job Analysis to be reviewed with medical providers
- ❖ Determine essential functions and potential task modifications
- ❖ Explore accommodations
- ❖ Skill development for job duty expansion
- ❖ Training for alternative job via on the job training
- ❖ Formal retraining for different job

Vocational Rehab and the Attorney

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ROLE OF THE EMPLOYEE ATTORNEY

- Employee counsel
 - Explain voc rehab to the injured worker
 - Explain the process and the hierarchy of rehabilitation
 - Schedule the interview with OEVR
 - Work with the assigned vocational counselor to schedule initial meeting
 - Work with the counselor and the employee to understand the employee's goals
 - Work with the counselor and the employee to achieve the employee's goals
 - Work to write an IWRP that will be signed by the parties



Explain voc rehab to the employee

- Employee counsel needs to explain what benefits are potentially available to the injured worker who needs assistance in returning to work
- The employee needs to understand the initial OEVR meeting to determine whether her or she is medically and educationally qualified for services
- The employee needs to understand when to ask for vocational rehab services depending on the litigation status of the claim



Hierarchy of voc rehab

- Employee counsel should review the hierarchy of voc rehab before the employee makes a decision on services
- Most employees believe they are going to be offered educational services without the hierarchy
 - Return to same job/same employer
 - Return to diff job/same employer
 - Return to diff job/diff employer
 - Vocational re-training



Schedule the OEVR initial meeting

- Determine when and where in the process the employee should begin vocational services
- Litigation
- Settlement
- Medical condition
- Family situation



Work with the assigned counselor

- Schedule the initial visit at the employee attorney office
- Attend the meeting with the employee to create a feeling of trust
- Explain the process with the counselor and the employee present
- Smooth over any misperceptions
- If comfortable, offer the use of your office for future visits

Work with the employee and counselor toward a goal

- At the initial meeting work with the employee to assist in arriving at a realistic goal
- Emphasize the purpose of vocational rehab so no misunderstandings between the counselor and the employee
- Buttress what the counselor indicates as the purpose of services
- Work with the parties to understand the employee's needs, interests, goals and the reality of the system

Work with the voc counselor and the employee to achieve the goal

- Keep in touch with the parties to make certain the meetings take place and that the goal is achievable
- Contact the adjuster about the goal to make certain the insurer will pay for the program
- If the insurer is not authorizing, schedule a team meeting to discuss
- Read the reports of the meetings



IWRP

- Work with the employee and the counselor toward the goal of an IWRP
- REVIEW THE IWRP prior to the employee signing
- Keep in touch with all parties to make certain the signed IWRP is completed and that any payments due to schools or mileage are paid

SUCCESS!!!

THE EMPLOYEE HAS RETURNED TO
WORK 🚚

