

# Vocational Rehabilitation

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## **Some things to talk about:**

- How and when to use vocational services
- What role does vocational rehabilitation play in a claim?
- What does vocational rehabilitation look like in WV?
- Functional job descriptions / job analyses – what are they and are they important?
- Functional capacity evaluations – do they help?

## **How and when to use vocational services?**

- Per Title 85, Series 15 (§85-15-2.1), it is to be a priority of the carrier or self-insured employer to achieve early identification of individuals who are likely to need rehabilitation services and to evaluate the needs of those injured workers.... it is the shared responsibility of the employer, the employee, the physical rehabilitation service provider, the QRP, the treating physician(s), and the carrier to cooperate in the development of a rehabilitation process designed to promote re-employment for the injured employee.



## **How and when to use vocational services?**

- If not before, when an MMI opinion is provided (by the treating physician or an independent examiner) and the injured worker has not returned to work

In reality, vocational rehabilitation (i.e. addressing return to work) begins when the injury occurs.

Consider the Hierarchy of Rehabilitation Services:

# How and when to use vocational services?

1. Return to the same employer and pre-injury job;
2. Return to the same employer and pre-injury job with modification;
3. Return to the same employer in a different position;
4. Return to the same employer in a different position with on-the-job-training;
5. Employment by a new employer without retraining;
6. Employment by a new employer with on-the-job-training;
7. Return to work following enrollment of the injured worker in a retraining program, which consists of a goal-oriented period of formal retraining, designed to lead to suitable gainful employment in the labor market.

# How and when to use vocational services?

Early involvement can facilitate:

- Timely coordination of appropriate treatment
- Early identification of comorbidities
- Physician review of return to work (modified or regular) at each appointment
- **Early return to work**

# What role does vocational rehabilitation play in a claim?

Facilitate return to work according to the priorities established by the Hierarchy of Rehabilitation Services (§85-15-4)

- Steps 1 - 4 focus on
  - Return to work with the pre injury employer
  - Regular communication with the physician of record regarding return to work
  - Identifying modified work assignments
  - Educating the physician regarding the physical requirements associated with the pre injury position
  - May require preparation of a rehabilitation plan



# What role does vocational rehabilitation play in a claim?

- Steps 5 - 7 focus on
  - Return to work in a new position with a new employer either with or without training
  - Will require preparation of a rehabilitation plan

# **What does vocational rehabilitation look like in WV?**

## Rehabilitation Agreement

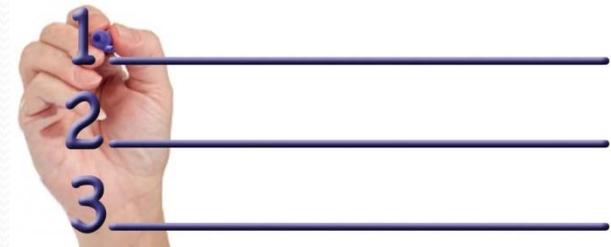
- A document wherein the injured worker expresses his or her willingness to actively participate in the rehabilitation process
- This document affords the injured worker the opportunity to decline services
- Must be signed prior to initiation of a rehabilitation plan

# What does vocational rehabilitation look like in WV?

What is a rehabilitation plan?

- A goal oriented plan which clearly identifies return to work objectives and describes the action steps necessary to assist the injured worker with returning to gainful employment
- In essence, this replaces the medical plan of a treating physician as a means of approving and paying TTD benefits

**Setting Goals**





## **What does vocational rehabilitation look like in WV?**

When is a rehabilitation plan (with associated rehabilitation TTD benefits) appropriate?

- When an injured worker has - by the treating physician or an independent examiner - been found at maximum medical improvement (MMI) but has not returned to work AND a clearly defined return to work objective can be identified
- Payment of benefits is contingent upon compliance with the plan (i.e., benefits can be suspended based on non-compliance)

# What does vocational rehabilitation look like in WV?

Examples of rehabilitation plans:

- Functional Capacity Evaluation (FCE)
- Work conditioning and/or work hardening
- Job retention
- Vocational exploration
- Job search
- On-the-job training
- Formal training program
- Temporary partial rehabilitation (TPR) benefits



# **What does vocational rehabilitation look like in WV?**

What is an appropriate timeframe for a rehabilitation plan?

- Functional Capacity Evaluation - Up to 30 days
- Work conditioning / work hardening - typically 30 days (according to the order provided by the physician); may be extended if continued participation is recommended by the physical therapist and physician and approved by the carrier
- Job retention - 2 to 4 weeks
- Vocational exploration - 2 to 4 weeks

## **What does vocational rehabilitation look like in WV?**

- Job search - 30 days at a time (typically no more than 60-90 days total)
- On-the-job training - to be determined based upon the nature of OJT
- Formal training - no more than 2 years

**PLEASE NOTE:** the maximum rehabilitation TTD benefit is  
104 weeks



# **What does vocational rehabilitation look like in WV?**

Things to consider when closing a claim for vocational services:

- Was the identified rehabilitation goal met?
- Has the QRP sufficiently documented that the injured worker was non-compliant with the plan?
- If the injured worker was compliant with services but did not return to work, can the QRP articulate that he or she is capable of obtaining and maintaining employment without further formal training or other services?

# **What does vocational rehabilitation look like in WV?**

What is TPR and when is it Paid?

- TPR = Temporary Partial Rehabilitation benefits
- TPR benefits are associated with return to work at reduced income due to reduction of hours worked or wage / salary paid
- Maximum eligibility for TPR benefits is 52 weeks

# What does vocational rehabilitation look like in WV?

- TPR benefits are a tool that can be used to reduce overall cost by facilitating early return to work, thereby reducing lost time days
- If your options are to pay temporary total disability benefits or temporary partial rehabilitation benefits, which would you choose?
- The cost of preparing a rehabilitation plan for TPR benefits is miniscule compared to the cost of deferring a benefit to which the employee is, per the rule, entitled (§85-15-7.10)



# **Functional Job Descriptions / Job Analyses**

## Purpose:

- Define essential job functions and physical demands of the position reviewed

## Opportunity:

- Identify available work station and/or task modifications

# Functional Job Descriptions / Job Analyses

## Explanation of Essential Functions:

- Primary and secondary tasks
- Break down each task (steps involved to complete task)
- Paint a picture of the typical workday for the physician
- Identify the frequency of repetitive tasks (e.g., 10x/hour, 15x/day)
- Note available assistance (e.g., overhead crane, cart, dolly)

# Functional Job Descriptions / Job Analyses

## Information to include:

- Material handling (lift / carry)
- Non-material handling
- Work environment
- General information (work hours, breaks, training, PPE)
- Signature line (manner in which physician can approve the position)

# **Functional Job Descriptions / Job Analyses – Light Duty Checklist**

What is a light duty checklist?

- Checklist of potential modified work tasks
- Documents physical requirements (e.g., lifting up to 10 pounds) and potential accommodations (e.g., employee may sit / stand throughout the day)
- Should be accompanied by completed physical capacities form
- Gives the physician the ability to gradually increase what the injured worker is doing

# Functional Job Descriptions / Job Analyses

What does a job description or job analysis add?

- Gives a physician a glimpse into the injured worker's typical day
- Defines the requirements for return to work in the pre injury position or in an alternate position
- Facilitates a meaningful discussion regarding return to work, to include an estimated timeframe for return to full duty



# Functional Capacity Evaluations

How do they help?

- Provide objective information regarding physical capabilities
- Allow for comparison of performance to requirements of pre injury job description
- Validity / consistency information
- Potential benefit of further rehabilitation (e.g., work conditioning / work hardening)
- Something the physician can rely upon to provide a work release

# What does your QRP need from you to get started?

- First report of injury
- Medical records
- Job description / job analysis (if one exists)





## **To Wrap It All Up**

- Vocational rehabilitation begins the day of injury
- Vocational rehabilitation can assist with early return to work in a modified capacity or in the pre injury position
- Vocational rehabilitation can assist with return to work in a new position with a new employer when return to the pre injury employer is not possible
- Job descriptions / job analyses provide the physician with essential information regarding the requirements of the injured worker's position

## To Wrap It All Up

- FCE's are a performance-based picture of what an individual can be expected to safely do over an 8 hour work day





**Questions?**



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