

Memorandum

TO: Vocational Rehabilitation Counselors
CC: Vocational Rehabilitation Specialists, Kris Peterson
FROM: Glenn Morton
DATE: November 29, 2004
SUBJECT: Meeting Announcement & Results of October 22, 2004 Meeting

The next informal meeting between court staff and certified vocational rehabilitation counselors is scheduled for Friday, December 3, 2004, at 2:00 pm. The meeting will be held at the court's new administrative facilities at 1221 "N" Street, Suite 402, in Lincoln (TierOne Center). Future meeting dates and locations will be decided at the December 3, 2004 meeting and announced following that meeting.

The following are the results of the discussions at the October 22, 2004 meeting. If you have questions or concerns about any of this please let me know prior to the next meeting and they will be addressed at that time.

1. **Employer/Insurer Compliance:** Counselors were encouraged to notify the court, or advise the employee do so, if an employer or insurer is failing to comply with the statues or court rules (e.g., failing to respond within 14 days). Section 48-146.02 provides that action can be taken against an employer, insurer, or risk management pool for failure to comply with an obligation under the Workers' Compensation Act "with such frequency as to indicate a general business practice...." Other procedural options may also be available.
2. **Grades/Class Schedules:** The draft revisions to the "Policy Regarding Reporting of Grades and Class Schedules" were approved as circulated with the outcomes memorandum from the last (August 27, 2004) meeting. The revised policy is attached and is now in effect.
3. **Form Revisions:** Draft revisions to several court forms were reviewed and discussed, with the following outcomes:

A revised letter for initial notice of plan/amendment approval was agreed to as shown on the attached. All parties will now receive this same letter, which will be addressed to the counselor and employee with copies to the other parties. The counselor and parties will now receive only this one letter, with appropriate enclosures, rather than multiple letters as in the past.

Draft revisions to the Student Information and Instructions sheet were considered, and additional changes were suggested. A revised draft is attached for further review and comment. This is essentially a complete rewrite of the previous draft.

The Monthly Mileage Reimbursement Request form was amended solely to change the title to “Training Mileage Reimbursement Request.” This was done to distinguish this form from the Job Search activity Log – Mileage Reimbursement Request form. A copy of the new Training Mileage Reimbursement Request form is attached.

4. Monthly Status Reports (Rule 37,B): The “Monthly Report of Workers’ Compensation Cases” log will no longer be required or accepted, effective December 1, 2004. Instead, counselors are permitted to satisfy the requirements of Rule 37,B (monthly report showing the activity and type of services provided) in whatever manner best suits their needs. Possible options discussed at the meeting include submitting copies of the progress reports sent to employers/insurers, submitting only the summary paragraphs from those reports, or submitting a short, newly drafted summary of the activity and type of services provided. These or other methods will be satisfactory so long as the requirements of the rule are met, and so long as a separate report is submitted for each individual client. Firms with multiple counselors can choose to submit the reports on behalf of the individual counselors, again so long as requirements of the rule are met and separate reports are submitted for each client. Reports must be submitted at least once a month, and can be submitted by regular mail, e-mail, or fax (but not all three!). If a plan is placed in abeyance, and the court is so notified, a monthly report need not be submitted during the period of the abeyance. Please contact the court’s specialists if there are any questions regarding this change.

5. Information Requests from Court Specialists: The court’s policy regarding information requests from the court’s specialists in reviewing and monitoring a plan was reviewed and opened for discussion. This policy was previously discussed during the meeting on February 20, 2004, and was restated in the outcomes memorandum from that meeting dated March 1, 2004. There were no changes or additions to this policy, which will remain in effect as stated in the March 1, 2004 memorandum.

6. Next meeting agenda items. At the next meeting on December 3, 2004 we will:

- a. Decide future meeting dates and locations.
- b. Review the revised draft of the Student Information and Instructions sheet as shown on the attached.
- c. Discuss a range of interrelated questions regarding the role of a certified counselor under the statutes and court rules, including but not limited to the following:

When, if ever, is the counselor no longer the “counselor of record”?

What are the counselor’s role and limitations, if any, following case closure?

What are the counselor’s obligations and limitations regarding supplemental reports? Rebuttal Reports? Who pays for these services?

What services, if any, can be provided outside the context of an approved plan?

What services, if any, fall outside the application of the statutes and court rules?

7. Future meeting agenda items. The following topics will be addressed at future meetings, not necessarily in this order. Please bring any suggestions for additional items to my attention.

a. Procedural steps. What will be the steps for determining a violation of the NWCC ethical standards, and what role, if any, will the CRCC Ethics Committee play in considering possible violations of the CRCC Code of Professional Ethics? What are reasonable due process steps for addressing other alleged violations of a statute, rule, or procedural requirement? [Note: For background information see the outcomes memorandum from the June 25, 2004 meeting.]

b. Transferable skills. Initial discussion began on this topic at the June 25, 2004 meeting, but no substantive decisions were reached.

c. Job goals for ESL/GED/ABE. The court's current policy for ESL and GED is that vocational goals are not mandatory since the focus is on general employability, and that if ESL or GED is a first step in formal retraining the counselor may submit one consolidated plan or two separate plans at the same time. The court's current position for ABE or remedial programs is that they may be a component of a retraining plan but do not constitute retraining in and of themselves. Should the policies for ESL, GED, and ABE be the same and why or why not? Is the court's current policy regarding ESL and GED consistent with statute section 48-162.01(3)(e) and Rules 44,B,3,e and 44,C?

d. Counselor/job placement specialist certification process.