

# Memorandum

**TO:** Vocational Rehabilitation Counselors and Job Placement Specialists  
**CC:** Vocational Rehabilitation Specialists, Nancy Sedlacek  
**FROM:** Glenn Morton  
**DATE:** October 15, 2013  
**SUBJECT:** Meeting Announcement & Results of July 26, 2013 meeting

The next informal meeting between court staff and certified vocational rehabilitation service providers is scheduled for Friday, October 25, 2013, at 2:00 pm. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln. Meetings are held on a quarterly basis, and tentative dates for 2014 quarterly meetings will be determined at the October 25, 2013 meeting.

The following are the results from the July 26, 2013 meeting. Please bring any questions or concerns regarding the discussions or decisions to the attention of court's Vocational Rehabilitation Section and they will be considered at the next meeting.

**1. Court Forms and Instructions:** Proposed revisions to several court forms and instructions were reviewed and approved. These were necessitated by changes to the court's administrative policies regarding mileage reimbursement as announced at the May 10, 2013 quarterly meeting and to more closely reflect the provisions of Rule 38 - Vocational Rehabilitation Costs. Copies of the proposed revisions were circulated prior to this meeting. Following this meeting additional revisions to the mileage reimbursement request forms were approved and circulated in order to add "for court use only" sections for accounting purposes. Copies of all current forms are now available on the court's web site.

A question was raised regarding the requirement in Instruction 4 of the Vocational Rehabilitation Plan form (Form VR-44) that the date of MMI and any permanent restrictions used must be authored by a physician. This requirement was unchanged from the previous form. The question was whether an opinion from a nurse practitioner or physician's assistant could be accepted by the court's Vocational Rehabilitation Section given the shortage of physicians in rural areas.

A related issue (statement by a psychologist) was addressed in the outcomes memorandum from the July 27, 2012 meeting and counselors are encouraged to review that memorandum. For the reasons stated in that memorandum, the Vocational Rehabilitation Section will accept an opinion on MMI and/or permanent restrictions for a psychological injury from a licensed and treating psychologist. However, that exception does not extend to opinions from other non-physician providers, and the court is unwilling to accept such opinions at the administrative level absent further clarification from the appellate courts.

2. **Books and Supplies:** A question was raised at the May 10, 2013 meeting regarding the court's administrative policy of not reimbursing for books or supplies purchased before the plan start date. It was announced that after careful consideration and research this policy has now been changed. The Vocational Rehabilitation Section will now approve reimbursement of such items if (1) there has been a final approval of the plan for which the book or supply will be used and (2) the purchase is required for the program of study or is reasonably related to the successful completion of the program of study. A plan is finally approved if there has been a final order from a judge of the court approving the plan or if the parties have agreed to the implementation of a voluntary plan approved by a court specialist. The court specialist will use his or her professional judgment in reviewing such requests and supporting justification/documentation may be required.

3. **Tools and Equipment:** There was a review of the court's administrative position regarding job versus plan related tools and equipment. Questions have arisen in recent cases regarding whether the Workers' Compensation Trust Fund or the employer/insurer is obligated to pay for tools or equipment required for the employee to perform a job following completion of a vocational rehabilitation plan. In the absence of any governing case law, the court's administrative position is that the Trust Fund is responsible only for expenses related to job placement activities or the successful completion of a program of study. Therefore, items which are required for the performance of a job rather than for completion of a vocational rehabilitation plan will generally not be administratively approved by the Vocational Rehabilitation Section. While not related to tools and equipment, it was acknowledged that the section has approved payment of expenses related to licensing and certification in some cases, but such requests will be considered on a case by case basis.

4. **Case Closure Report:** Additional minor revisions to the Case Closure Report form (VR-37E) were considered and agreed to. The revised form is available on the court's web site.

5. **Next meeting agenda items:** At the next meeting on October 25, 2013 the following will be addressed as time permits:

a. **Quarterly Meeting Dates:** Establish tentative quarterly meeting dates for 2014.

Suggested dates for consideration are January 31, 2014, April 18, 2014, July 25, 2014, and October 24, 2014.

b. **LOE Evaluations:** Continuing discussion regarding efforts to improve the quality of loss of earning evaluations, including the possibility of a rule change to require training for counselors wishing to perform such evaluations. Issues to be considered include whether training specific to Nebraska law should be required, the number of CEUs which should be required, and the implementation of such requirements for existing counselors.

c. **General Issues:** Discussion of any other issues of concern or interest to the counselors or court specialists.

6. **Future meeting agenda items:** No additional agenda items are currently identified for future meetings. Suggestions are welcome.