

Memorandum

TO: Vocational Rehabilitation Counselors and Job Placement Specialists
CC: Vocational Rehabilitation Specialists, Nancy Sedlacek
FROM: Glenn Morton
DATE: July 15, 2016
SUBJECT: Meeting Announcement & Results of April 22, 2016 Meeting

The next informal meeting between court staff and certified vocational rehabilitation service providers was tentatively scheduled for Friday, July 29, 2016. However, that meeting has been cancelled and rescheduled for Friday, August 26, 2016 at 10:00 am. This is to accommodate the introduction of the new NWCC court administrator and vocational rehabilitation specialist. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln. Regular meetings are typically held on a quarterly basis, with the final meeting for this year tentatively scheduled for October 28, 2016.

The following are the results from the April 22, 2016 meeting and following. 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. VR Legislation: There was a brief further discussion regarding activities in the 2016 legislative session relating to workers' compensation vocational rehabilitation and possible 2017 legislation. While behind-the-scenes discussions continued during the latter part of the 2016 session, no formal action was taken. It is expected that the vocational rehabilitation program will receive further attention in the 2017 legislative session.

2. Data Collection – Case/Plan Closure Forms: Discussion continued on what has become a major new data collection effort in order to respond to questions regarding the outcomes and costs of the vocational rehabilitation program that are being raised by the Legislature's Business and Labor Committee and interested parties. It was decided at the January 29, 2016 quarterly meeting that the court staff would draft revisions to the case closure form in order to capture additional data. As a result, drafts of three new case and plan closure forms were circulated in advance of and considered at this meeting.

Following the meeting further drafts of these three closure forms were created and circulated, incorporating changes discussed at the meeting. Additional changes were also made following the IARP Nebraska Chapter Spring Conference on May 5, 2016 and following a June 9, 2016 training session and live webinar conducted by court staff on completion of the new forms. The final versions of the new forms were then made available on the court's website and became effective and required for use effective July 1, 2016. As of that date the previous Case Closure Form (VR-37E) will no longer be accepted by the court's Vocational Rehabilitation Section. In addition, as further discussed below, these forms will also be submitted for all cases and plans closed on or after January 1, 2016.

A number of important issues were addressed and resolved as a result of the discussions regarding the various drafts of the three new closure forms, as follows:

Applicable cases/plans: As noted above, the new closure forms are required for all cases and plans closed on or after July 1, 2017. In addition, given the importance of having sufficient data available for the 2017 legislative session, it was agreed that the new forms will also be submitted for all cases and plans closed on or after January 1, 2016, regardless of whether the earlier version of the case closure form was submitted.

Billing/cost data: It was generally agreed or conceded that data regarding the cost of counselor services is needed in order to respond to the questions being raised. Earlier drafts of the forms included the hours billed, hourly rate, and total amount billed for the counselor and job placement specialist (if any). A question was initially raised as to whether the total amount billed would be sufficient, but it was generally agreed that more specific cost data is needed and expected. However, it was later noted that the cost data on those earlier drafts did not adequately account for the distinction between professional fees and expenses such as the cost of travel, mileage, food, lodging, and clerical support. As a result, the final forms distinguish between counselor and job placement professional fees, for which the hours billed and the hourly rate are required, and expenses, for which only the total amount billed is required.

Shared services: One of the most difficult questions in collecting vocational rehabilitation data is how the costs should be allocated for services that apply to both vocational rehabilitation services and an LOEP evaluation. After much discussion it was agreed that “if a service is done for an LOEP evaluation then the costs should stay with the LOEP evaluation.” In other words, if a service is performed and billed in connection with an LOEP evaluation, then the costs should not be reported as vocational rehabilitation costs on the closure forms. Unfortunately, this means that costs for a vocational rehabilitation case involving both vocational rehabilitation services and LOEP evaluation will likely be lower than a similar vocational rehabilitation case in which no LOEP evaluation was performed. Because of this, the court will track those vocational rehabilitation cases that also involve an LOEP evaluation, so that the costs for those two types of cases can be distinguished.

Case closure: It was recognized that having a clear understanding of when a case should be closed is critical for obtaining accurate data regarding the duration of cases, but it was also recognized that many delays are beyond the control of the counselor. As a result, it was agreed that a case should be closed when services are no longer being actively provided by the counselor and there are no delays due to legal, medical, or other issues beyond the control of the counselor. It was also agreed that a further data element should be added to the forms to capture the length of time a case is delayed for reasons beyond the control of the counselor.

Unknown employment status: All three new closure forms include a data element for “employment status at case closure.” The question was whether that element should include an option for “unknown” in addition to “employed” or “unemployed.” It was decided to exclude an “unknown” option on the form itself, given the large percentage of unknowns reported on previous forms and to encourage efforts to obtain accurate data.

Nevertheless, the instructions for the forms provide that if employment status cannot be determined then the “employed” and “unemployed” boxed should both be left blank and a written explanation should be attached to the form explaining the steps taken by the counselor to contact the employee and/or otherwise determine the employment status.

Plan goal: The new plan closure form includes data elements for the plan goal and whether the employment (if any) is consistent with the plan goal. This generated discussion as to what should constitute the plan goal for purposes of this report, given that the Vocational Rehabilitation Plan form (VR-44) does not include a plan goal but instead requires a career and/or job goal. It was decided that the plan goal for purposes of the new plan closure report will consist of the job family from the Occupational Information Network (O*NET) that corresponds to the career and/or job goal(s) as identified on the VR-44 form. Consideration may be given in the future to amending the VR-44 form to also refer to the O*NET.

Training: It was agreed that training for the counselors on completing the new forms will be critical in collecting accurate and complete data. A training session and live webinar was conducted by the court on June 9, 2016, and a video of the training was made available on the court’s website for those counselors unable to participate on June 9, 2016.

3. Data Collection – Follow-up Employment Status Report:

Discussions also began at the April 22, 2016 meeting regarding the need to track client employment status following case closure, given that the employee’s status at case closure is frequently not an adequate measure of success in returning the employee to work. Discussions continued at the IARP Nebraska Chapter Spring Conference on May 5, 2016, and a draft of a new follow-up employment status report form was circulated and considered at the June 9, 2016 training session. The final version of this form became effective on July 1 2016, and was made available on the court’s website.

As with the new case and plan closure forms, a number of important issues were addressed and resolved during the discussions regarding the new follow-up employment status report form, as follows:

Applicable cases: Like the new closure forms, data from the new follow-up employment status report form will be collected back to January 1, 2016. Once again, this is to insure that sufficient data is available for the 2017 legislative session. However, while the closure forms will be submitted for all cases and plans closed on or after January 1, 2016, the new follow-up employment status report will be submitted for all cases (not plans) closed on or after January 1, 2016 in which (1) the employee was unemployed at the time of case closure or the employment status was unknown, and (2) the case included an approved vocational rehabilitation plan or plans, regardless of whether a plan was successfully completed. The form will be filed only if both of these clauses are satisfied.

Reporting periods and cessation: The form will be submitted at the intervals shown on the form (30 days, 3 months, 6 months, 9 months, and one year after case closure), so long as the employee remains unemployed. Follow-up and reporting for any case will

cease once the employee becomes employed, whether full time or part time, and such employment is reported to the court. It was recognized that a true picture of the success of vocational rehabilitation would require longer term and more extensive monitoring, but the above process should provide at least some basic return-to-work data for the 2017 legislative session.

Reporting by counselors or court staff: Consideration was given to whether the counselors or court staff should gather the employment status information required on the new form. It was recognized that counselors will likely not be paid by the insurer or employer for any activity beyond case closure. At the same time, counselors are in a better position than court staff to obtain this information given their familiarity with the client, the case, and the parties. Therefore, it was decided that counselors will be requested and strongly encouraged to submit these reports. Counselors who are unwilling to do so must provide the court's Vocational Rehabilitation Section with the most currently available contact information for the employees.

4. Next meeting agenda items: At the next meeting on August 26, 2016 the following will be addressed:

- a. Introduction of new NWCC court administrator.
- b. Introduction of new NWCC vocational rehabilitation specialist.
- c. Update and discussion regarding data collection, processing, and reporting in advance of the 2017 legislative session (see attached timeline).
- d. Preliminary discussion regarding possible vocational rehabilitation legislation for the 2017 legislative session.
- e. Discussion of any other issues of concern or interest to the counselors or court specialists.

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

Timeline for 2016 VR Data Collection/Processing
May 27, 2016

May 16, 2016 – New case/ plan closure report forms (three) circulated by NWCC to all certified counselors - voluntary use permitted.

May 27, 2016 – New follow-up employment status report form circulated by NWCC to all certified counselors – voluntary use permitted.

June 9, 2016 – NWCC form completion training for counselors – in person and via WebEx.

June 30, 2016 – Deadline for online NWCC form completion training by counselors not participating in June 9, 2016 training session – via video from June 9, 2016 session.

July 1, 2016 – Effective date for revised case/plan closure forms – submission required for all cases and plans closed on and after January 1, 2016.

July 1, 2016 – Effective date for follow-up employment status report forms – submission required for all cases (not plans) closed on or after January 1, 2016 in which (1) the employee was unemployed at the time of case closure or the employment status was unknown, and (2) the case included an approved vocational rehabilitation plan or plans, regardless of whether a plan was successfully completed.

August 5, 2016 – Deadline for catch-up filing of case/plan closure reports – for all cases and plans closed between January 1, 2016 and August 4, 2016.

August 5, 2016 – Deadline for catch-up filing of follow-up employment status reports - for cases identified above under July 1, 2016 which were closed between January 1, 2016 and August 4, 2016.

September 2, 2016 – Deadline for completion of NWCC internal programming for capture of data elements from new case /plan closure and follow-up employment status report forms.

September 30, 2016 – Deadline for NWCC data entry/electronic capture of data elements from new case/plan closure and follow-up employment status report forms submitted to date.

November 4, 2016 – Deadline for NWCC query/report generation for anticipated questions for the 2017 legislative session.