

Memorandum

TO: Vocational Rehabilitation Counselors
CC: Vocational Rehabilitation Specialists, Kris Peterson
FROM: Glenn Morton
DATE: December 4, 2007
SUBJECT: Meeting Announcement & Results of September 14, 2007 Meeting

The next informal meeting between court staff and certified vocational rehabilitation counselors is scheduled for Friday, December 14, 2007, at 2:00 pm. The meeting will be held at the court's administrative offices at 1221 "N" Street, Suite 402, in Lincoln (TierOne Center). Meetings are held on a quarterly basis, and the meeting schedule for 2008 will be discussed at the December 14, 2007 meeting.

The following are the results from the September 14, 2007 meeting. If you have questions or concerns about any of the discussions or decisions at this meeting please notify the court's Vocational Rehabilitation Section prior to the next meeting and they will be considered at that time.

1. Interim Legislative Study:

There was discussion regarding Legislative Resolution 197 in an attempt to identify the important upcoming issues and goals for addressing those issues. LR 197 was introduced by Senator Abbie Cornett, Chair of the Business & Labor Committee, in order to study the vocational rehabilitation program and determine if it is meeting the Legislature's goals. It was suggested that likely topics for the study include cost effectiveness, how our system compares with other states, job placement, and earlier intervention in the return to work process.

2. TRIO Support Services:

There was a brief discussion of student support services funded under the Higher Education Act of 1965 which may be available to some workers' compensation clients participating in post secondary training programs.

3. ESL Vocational Oriented Classes:

There was a brief discussion of a new approach to ESL training which focuses on the language skills important to a particular vocation.

4. Technology Training:

It was suggested at the March 9, 2007 meeting that the plan submission and review process could be greatly improved by training the counselors on how best to make use of the technology they have now in interacting electronically with the court. The court's Information Technology staff is open to assisting in this effort, either on an individual or group basis. After further discussion it was decided that training will be provided to the counselors, most likely as a cooperative effort between NE IARP and the court's IT and VR staffs. Further planning will be needed.

5. LOE Training & Fact Sheet:

It was suggested at the September 22, 2006 meeting that the court staff and counselors could partner in LOE evaluation training efforts and in the development of a court "fact sheet" on LOE evaluations which could then be reviewed by the judges. After further discussion it was decided that the court's specialists will prepare a draft fact sheet for review at a future counselor/specialist meeting. Training efforts will be considered after the fact sheet is developed.

6. Possible Future Rule Change:

There was request to consider whether filing an LOE Report with the court should be required if no vocational rehabilitation is planned. While this is currently required under the court's rules, it was recognized that LOE reports were not adequately considered when the vocational rehabilitation rules were changed to require the filing of reports. See Rule 37,A. This issue will be noted for consideration at a future public hearing when changes to the vocational rehabilitation rules are addressed.

7. Changes to VR Plan Form:

Discussions were completed regarding changes to the Vocational Rehabilitation Plan form and a revised plan form and instruction sheet were finalized for adoption. The discussions included a review of the draft document which was circulated with the outcomes memorandum from the June 1, 2007 meeting. The finalized plan form and instruction sheet (VR 44 - revision date 10/07) were subsequently circulated to all certified counselors on October 12, 2007, with directions that the new form will be used for all plan submissions from that date forward. Copies of the new plan form and instruction sheet are attached.

In finalizing the instruction sheet it was agreed that an explanation could provided if the counselor is unable to obtain agreement from all parties regarding the date-of-injury wage per hour or the average weekly wage. (See Instruction 1 - Employee Information.) However, it was also understood and agreed that the counselor must make an attempt to obtain agreement from all parties on these issues.

It should be noted that Section 7 (Billing Information) of the new plan form no longer includes the employee name and the boxes for "Original" and "Supplement." These items were removed in recognition that a better method must be developed for requesting, approving, and tracking

supplemental billing requests. It was decided that the court's specialists will prepare a proposal for consideration at a future counselor/specialist meeting.

Revision of the plan form also required a review of the policy regarding which proposed changes to a previously approved plan must be forwarded on to the employer/insurer for its agreement after approval by a court specialist. As was previously decided at the June 1, 2007 meeting, any changes to the information in part 5 (Type of Plan) and/or part 6 (Training/Vocational Goal) of the new plan form will require submission of a new plan document. The new plan document will then be forwarded on to the employer/insurer for agreement. Changes other than the above to a previously approved plan will go into effect immediately upon approval by a court specialist.

8. Next meeting agenda items. At the next meeting on December 14, 2007 we will address the following as time permits:

- a. Meeting Schedule for 2008.
- b. Supplemental Billing Requests: In drafting the new plan form it was recognized that a better method must be developed for requesting, approving, and tracking supplemental billing requests. The court's specialists will prepare a proposal for consideration at the December 14, 2007 meeting.
- c. Changes to Case Closure Form. The legislature is increasingly requesting information regarding the vocational rehabilitation program and the success of vocational rehabilitation plans. This occurred most recently in connection with the current LR 197 study of the vocational rehabilitation program. However, existing data is insufficient to allow the court to respond fully to such requests. Could the Case Closure Form be amended to provide necessary data, and if so, what data should be collected?

9. Future meeting agenda items. The following topics will likely be addressed at future meetings, not necessarily in this order. Any suggestions for additional agenda items are welcome.

- a. Job Placement Plans. What is the counselor's role in job placement and what are the counselor's responsibilities while a job placement plan is in effect? Is it appropriate to write a job placement plan in order to rule out job placement as an appropriate priority?
- b. LOE Training & Fact Sheet. It was decided at the September 14, 2007 meeting that the court staff and counselors will partner in LOE evaluation training efforts and in development of a court "fact sheet" on LOE evaluations. The court's specialists will prepare a draft fact sheet for consideration at a future counselor/specialist meeting, and training efforts will be considered after development of the fact sheet.
- c. Technology Training: It was decided at the September 14, 2007 meeting that training will be provided to the counselors on how best to make use of the technology

they have now in interacting electronically with the court. This training will likely be a cooperative effort between NE IARP and the court's IT and VR staffs, but further planning is needed.