

COMPENSATION PRACTICE & QUALITY DEPARTMENT

PRACTICE DIRECTIVE # C11-2

TOPIC: Vocational Rehabilitation Programs & Services
ISSUE DATE: November 1, 2002
(Amended May 8, 2009)

A. BACKGROUND

On October 16, 2002, the Panel of Administrators approved amendments to the Board's policies concerning vocational rehabilitation entitlement and services.

B. EFFECTIVE DATES AND TRANSITION RULES

The policy changes are effective November 1, 2002 and apply to all decisions made on or after November 1, 2002, on claims adjudicated under the *Act* as amended by the *Workers Compensation Amendment Act, 2002*. For recurrences, please refer to Practice Directive #C1-1, *Effective Dates and Transition Rules* and Practice Directive #C14-3, *Reopenings*.

C. PURPOSE

This practice directive details the information and analysis required in each written rehabilitation plan in order to determine an eligible worker's entitlement to vocational rehabilitation services.

The policy sets out the information that should be included in a vocational rehabilitation plan. A "Rehabilitation Plan Template" has been created as a reference guide outlining the specific information that would be included for each section of the plan.

D. LAW

Section 16 of the *Act* is discretionary in nature and guides the Board in the provision of vocational rehabilitation services to injured workers.

E. POLICY

Policy item C11-88.00, *Programs & Services*, in Volume II of the *Rehabilitation Services and Claims Manual* ("RSCM") has been amended. The policy:

- Specifies that vocational rehabilitation should be initiated on an early intervention basis, "as soon as the worker is medically able to participate";

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- Outlines the nature and extent of vocational rehabilitation service entitlement in accordance with the benefit entitlement provisions of the *Act*;
- Outlines the requirements for a vocational rehabilitation plan, including the provision of financial implications and/or the cost effectiveness of a plan;
- Defines the worker's entitlement to one rehabilitation plan only;
- Defines the information and analysis required in the written plan and the circumstances where a plan may be modified or a new plan substituted; and
- Specifies provisions for the discontinuation of vocational rehabilitation services.

The policy item defines the worker's entitlement and outlines the vocational rehabilitation process as it applies to each worker's eligibility under the entitlement provisions of the *Act*.

F. EXTENT OF SERVICE

Board officers in Vocational Rehabilitation Services ("VRS") may be called upon to provide advice to Board officers in Compensation Services who are assisting workers in receipt of section 29 benefits in return to work efforts with the accident employer.

In most instances, a formal referral for vocational rehabilitation services will not be required. Normally, a one-on-one discussion between the Board officers and/or a discussion at a team meeting will allow the Board officer in VRS to provide the necessary assistance. If more extensive involvement is required the Board officer in VRS may request a formal referral from the Board officer in Compensation Services.

Board officers in VRS will also be asked to assist with section 30 return to work efforts and employability assessments.

Services for clients in receipt of section 29 and section 30 benefits will focus on Phases 1 and 2 of the vocational rehabilitation process.

Services for workers who suffer a permanent partial disability under section 23(1) of the *Act* will focus on Phases 1 through 4 of the vocational rehabilitation process. Policy specifies that services will focus on return to work activities –

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work assessments, placement assistance, mediation between the employer and worker, and worksite modifications. In limited circumstances job search, training on the job, and formal training can be considered.

Services for workers who suffer a permanent partial disability under section 23(3) of the *Act* will include Phases 1 through 5 of the vocational rehabilitation process.

G. REFERRALS

A Board officer in Compensation Services or Disability Awards will most often initiate the referral of workers for vocational rehabilitation service.

The initial discussion regarding vocational rehabilitation intervention could take place as early as the 10-week point in the claim. The discussion will occur in each case where the compensable condition, and other factors, necessitate vocational rehabilitation assistance. In most instances it will be anticipated that the worker will suffer a permanent partial disability and it is unlikely that they will return to their pre-injury job. If the worker meets the eligibility criteria for vocational rehabilitation services, the referring Officer will complete the VR Referral.

It is unlikely to be known at the time of referral, whether a worker will be entitled to a section 23(1) or a section 23(3) award. The Board officer in VRS will complete an Initial Vocational Assessment (“IVA”). The Claims Adjudicator Disability Awards (CADA) may also request an Occupational Assessment (“OA”) to determine whether the worker can return to his or her pre-injury occupation, or a similar occupation. The occupation and skills information is necessary in determining a worker’s potential entitlement to a section 23(3) award. For further information, see Practice Directive #C6-1, *Permanent Partial Disability Benefits - Section 23(1)*, and Practice Directive #C6-2, *Permanent Disability Benefits - Section 23(3)*.

Services for workers who suffer a permanent total disability under section 22 of the *Act* will include quality of life assistance. This may include vehicle modifications, home modifications, personal care allowances, independence and home maintenance allowances, and homemakers’ services.

The Nurse Advisors, Vocational Rehabilitation Services, may review all requests under section 22 and provide written recommendations.

H. REHABILITATION PLAN

Policy specifies that a plan will be developed for each worker and that it will be developed in collaboration with the worker, the employer, and appropriate health

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care providers. It further specifies that to demonstrate understanding of the plan, the worker, the Board officer, and where appropriate, the employer should sign the plan.

The written plan includes the overall goal, supporting rationale, labour market information, financial implications, and a cost effectiveness report. The detailed requirements of the written plan and the conditions under which a plan may be modified, or a new plan substituted, are clearly specified in the policy.

I. FINANCIAL IMPLICATIONS/COST EFFECTIVENESS

The plan must include a comparison of the cost of the proposed plan (including benefits), the cost of alternate plans, and the estimated cost of benefits if no return to work service is provided. The analysis must include time lines that specify when it is expected that costs will be incurred.

J. DISCONTINUATION OF VOCATIONAL REHABILITATION SERVICES

Policy provides specific criteria for the suspension or discontinuation of service to a worker. Any decision to end service will need to be clearly documented with supporting objective information, based on one or more of these criteria. The Board officer in VRS will advise the worker verbally of their decision and provide the worker with a decision letter.