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**By: Senator Collins**

Introduced and read first time: February 2, 1996

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

**2 Workers' Compensation Commission - Rehabilitation Practitioners - Registration**

3 FOR the purpose of establishing certain minimum educational and experience  
4 requirements for individuals who engage in the business of providing vocational  
5 consultant services under certain circumstances; establishing a certain registration  
6 system; authorizing the Workers' Compensation Commission to waive certain  
7 requirements for registration under certain circumstances; specifying the purpose of  
8 this Act; establishing an Advisory Committee on the Registration of Rehabilitation  
9 Practitioners within the Commission; specifying the selection of members and  
10 responsibilities of the Advisory Committee; establishing certain hearing and appeal  
11 procedures; providing for the application of this Act; defining certain terms; and  
12 generally relating to establishing minimum educational and experience  
13 requirements for certain individuals to satisfy in order to engage in the practice of  
14 providing certain rehabilitation services under certain circumstances.

15 BY repealing and reenacting, with amendments,  
16 Article - Labor and Employment  
17 Section 9-671  
18 Annotated Code of Maryland  
19 (1991 Volume and 1995 Supplement)

20 BY adding to  
21 Article - Labor and Employment  
22 Section 9-6A-01 through 9-6A-19, inclusive, to be under the new subtitle "Subtitle  
23 6A. Rehabilitation Practitioners"  
24 Annotated Code of Maryland  
25 (1991 Volume and 1995 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
27 MARYLAND, That the Laws of Maryland read as follows:

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1           **Article - Labor and Employment**

2 9-671.

3           (a) If required by the Commission, a person who provides vocational  
4 rehabilitation services under this title in the State shall register with the Commission AS  
5 PROVIDED IN SUBTITLE 6A OF THIS TITLE.

6           (b) A person who is required to register under subsection (a) of this section shall  
7 register on the form required by the Commission.

8           (c) A person who fails to register with the Commission under subsection (a) of  
9 this section may not receive payment for providing vocational rehabilitation services.

10           SUBTITLE 6A. REHABILITATION PRACTITIONERS.

11 9-6A-01.

12           (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
13 INDICATED.

14           (B) "ADVISORY COMMITTEE" MEANS THE ADVISORY COMMITTEE ON THE  
15 REGISTRATION OF REHABILITATION PRACTITIONERS.

16           (C) "DIVISION OF REHABILITATION SERVICES" MEANS THE STATE AGENCY  
17 DESIGNATED TO ADMINISTER THE PUBLIC VOCATIONAL REHABILITATION  
18 SERVICES PROGRAM.

19           (D) "ENGAGE IN THE BUSINESS OF PROVIDING REHABILITATION  
20 CONSULTANT SERVICES" MEANS TO PROVIDE FOR COMPENSATION VOCATIONAL  
21 REHABILITATION SERVICES THAT ARE NECESSARY DURING OR AFTER MEDICAL  
22 TREATMENT TO ENABLE A DISABLED COVERED EMPLOYEE AS SOON AS  
23 PRACTICABLE TO SECURE SUITABLE GAINFUL EMPLOYMENT.

24           (E) "REGISTRATION" MEANS THE AUTHORIZATION OF A REHABILITATION  
25 PRACTITIONER TO ENGAGE IN THE BUSINESS OF PROVIDING REHABILITATION  
26 CONSULTANT SERVICES.

27           (F) (1) "REHABILITATION PRACTITIONER" MEANS AN INDIVIDUAL WHO  
28 ENGAGES IN THE PRACTICE OF PROVIDING REHABILITATION CONSULTANT  
29 SERVICES.

30           (2) "REHABILITATION PRACTITIONER" INCLUDES:

31                       (I) A REHABILITATION NURSE;

32                       (II) A REHABILITATION COUNSELOR; AND

33                       (III) A VOCATIONAL EVALUATOR.

34           (G) "VOCATIONAL REHABILITATION SERVICES" HAS THE MEANING STATED  
35 IN § 9-670(D) OF THIS TITLE.

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1 9-6A-02.

2 THE PURPOSE OF THIS SUBTITLE IS TO ESTABLISH MINIMUM EDUCATIONAL  
3 AND EXPERIENCE REQUIREMENTS FOR INDIVIDUALS WHO ENGAGE IN THE  
4 PRACTICE OF PROVIDING VOCATIONAL REHABILITATION SERVICES IN THE  
5 WORKERS' COMPENSATION FIELD AND TO ESTABLISH A REGISTRATION SYSTEM TO  
6 BETTER REGULATE THE ACTIVITIES OF THOSE INDIVIDUALS PROVIDING  
7 VOCATIONAL REHABILITATION SERVICES.

8 9-6A-03.

9 THIS SUBTITLE DOES NOT APPLY TO REHABILITATION PRACTITIONERS  
10 EMPLOYED BY THE STATE DEPARTMENT OF EDUCATION, DIVISION OF  
11 REHABILITATION SERVICES.

12 9-6A-04.

13 (A) THIS SUBTITLE DOES NOT LIMIT THE RIGHT OF ANY PERSON TO ENGAGE  
14 IN A HEALTH OCCUPATION THAT THE PERSON IS OTHERWISE AUTHORIZED TO  
15 ENGAGE IN UNDER THE HEALTH OCCUPATIONS ARTICLE.

16 (B) THE STANDARDS OF PRACTICE WITH REGARD TO THE DELIVERY OF  
17 VOCATIONAL REHABILITATION SERVICES PROVIDED TO INJURED WORKERS SHALL  
18 REMAIN UNDER THE JURISDICTION OF THE COMMISSION.

19 9-6A-05.

20 (A) (1) THERE IS AN ADVISORY COMMITTEE ON THE REGISTRATION OF  
21 REHABILITATION PRACTITIONERS WITHIN THE COMMISSION.

22 (2) THE COMMISSION SHALL APPOINT THE MEMBERS OF THE ADVISORY  
23 COMMITTEE IN ACCORDANCE WITH THIS SECTION.

24 (B) (1) ON OR AFTER OCTOBER 1, 2000, THE ADVISORY COMMITTEE SHALL  
25 BE COMPRISED OF RANDOMLY SELECTED CERTIFIED REHABILITATION  
26 PRACTITIONERS WHO HAVE BEEN REGISTERED WITH THE COMMISSION UNDER  
27 THIS SUBTITLE FOR A MINIMUM OF 3 YEARS.

28 (2) ON OR AFTER OCTOBER 1, 1996, BUT BEFORE OCTOBER 1, 2000, ANY  
29 REHABILITATION PRACTITIONER, WHO IS CERTIFIED AND REGISTERED WITH THE  
30 COMMISSION, IS ELIGIBLE TO BE SELECTED AS A MEMBER OF THE ADVISORY  
31 COMMITTEE REGARDLESS OF WHETHER THE REHABILITATION PRACTITIONER  
32 MEETS THE REQUIREMENTS FOR REGISTRATION UNDER THIS SUBTITLE.

33 (C) (1) AT THE REQUEST OF THE CHAIRMAN OF THE COMMISSION, THE  
34 ADVISORY COMMITTEE SHALL MEET TO REVIEW AND EVALUATE APPLICATIONS  
35 FOR REGISTRATION SUBMITTED TO THE COMMISSION WHENEVER FURTHER  
36 CLARIFICATION REGARDING AN APPLICATION IS NEEDED.

37 (2) A MINIMUM OF THREE MEMBERS OF THE ADVISORY COMMITTEE  
38 SHALL BE RANDOMLY SELECTED WITHIN THE SAME DISCIPLINE OF THE APPLICANT  
39 BEING REVIEWED AND EVALUATED.

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1 (3) AFTER REVIEW AND EVALUATION, THE ADVISORY COMMITTEE  
2 SHALL PROVIDE RECOMMENDATIONS TO THE CHAIRMAN OF THE COMMISSION ON  
3 THE APPLICATION.

4 9-6A-06.

5 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A REHABILITATION  
6 PRACTITIONER SHALL BE REGISTERED WITH THE COMMISSION BEFORE THE  
7 PRACTITIONER MAY RECEIVE PAYMENT UNDER THIS TITLE FOR THE PROVISION OF  
8 VOCATIONAL REHABILITATION SERVICES.

9 9-6A-07.

10 (A) TO QUALIFY FOR REGISTRATION, AN APPLICANT SHALL BE AN  
11 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

12 (B) THE APPLICANT SHALL:

13 (1) BE AT LEAST 18 YEARS OLD; AND

14 (2) SATISFY THE EDUCATION, EXPERIENCE, AND SUPERVISION  
15 REQUIREMENTS OF § 9-6A-08 OF THIS SUBTITLE.

16 9-6A-08.

17 (A) TO QUALIFY FOR REGISTRATION:

18 (1) A REHABILITATION NURSE SHALL:

19 (I) 1. BE A LICENSED REGISTERED NURSE WITH 3 YEARS OF  
20 CLINICAL EXPERIENCE IN MEDICINE, SURGERY, CRITICAL CARE, EMERGENCY  
21 MEDICINE, PUBLIC HEALTH, ORTHOPEDICS, NEUROLOGY, CATASTROPHIC ILLNESS  
22 OR INJURY CARE, PSYCHIATRIC NURSING, OR A RELATED FIELD; OR

23 2. HAVE A BACHELOR'S DEGREE IN NURSING AND 1 YEAR  
24 OF EXPERIENCE IN MEDICINE, SURGERY, CRITICAL CARE, EMERGENCY MEDICINE,  
25 PUBLIC HEALTH, ORTHOPEDICS, NEUROLOGY, CATASTROPHIC ILLNESS OR INJURY  
26 CARE, PSYCHIATRIC NURSING, OR A RELATED FIELD; OR

27 (II) BE CERTIFIED AS A CERTIFIED INSURANCE REHABILITATION  
28 SPECIALIST, CERTIFIED REHABILITATION REGISTERED NURSE, OR CERTIFIED CASE  
29 MANAGER OR HAS MET ALL OF THE EDUCATION AND EXPERIENCE REQUIREMENTS  
30 TO BE ELIGIBLE TO BE CERTIFIED;

31 (2) A REHABILITATION COUNSELOR SHALL:

32 (I) 1. HAVE A BACHELOR'S DEGREE FROM AN ACCREDITED  
33 INSTITUTION IN REHABILITATION COUNSELING, HUMAN SERVICES, PSYCHOLOGY,  
34 OR A RELATED FIELD WITH AT LEAST 1 YEAR OF WORK EXPERIENCE IN A HUMAN  
35 SERVICES OCCUPATION; OR

36 2. HAVE A MASTER'S OR DOCTORAL DEGREE IN  
37 REHABILITATION COUNSELING, HUMAN SERVICES, PSYCHOLOGY, EDUCATION, OR A  
38 RELATED FIELD; OR

5

1 (II) BE A CERTIFIED REHABILITATION COUNSELOR, CERTIFIED  
2 VOCATIONAL EVALUATOR, CERTIFIED INSURANCE REHABILITATION SPECIALIST, A  
3 VOCATIONAL REHABILITATION SPECIALIST, HOLD AN EQUIVALENT NATIONAL  
4 CERTIFICATION THAT IS ACCEPTABLE TO THE COMMISSION, OR HAVE MET ALL OF  
5 THE EDUCATION AND EXPERIENCE REQUIREMENTS TO BE ELIGIBLE TO BE  
6 CERTIFIED; AND

7 (3) A VOCATIONAL EVALUATOR SHALL:

8 (I) 1. HAVE A BACHELOR'S DEGREE FROM AN ACCREDITED  
9 INSTITUTION IN VOCATIONAL EVALUATION, REHABILITATION PSYCHOLOGY,  
10 HUMAN SERVICES, EDUCATION, OR A RELATED FIELD WITH 1 YEAR OF WORK  
11 EXPERIENCE IN THAT FIELD; OR

12 2. HAVE A MASTER'S OR DOCTORAL DEGREE IN  
13 REHABILITATION, VOCATIONAL EVALUATION, PSYCHOLOGY, HUMAN SERVICES,  
14 EDUCATION, OR A RELATED FIELD; OR

15 (II) BE CERTIFIED OR HAVE MET ALL OF THE EDUCATION AND  
16 EXPERIENCE REQUIREMENTS TO BE ELIGIBLE TO BE CERTIFIED IN VOCATIONAL  
17 EVALUATION BY THE COMMISSION ON CERTIFICATION OF WORK ADJUSTMENT AND  
18 VOCATIONAL EVALUATION SPECIALISTS OR HAVE MET ALL OF THE EDUCATION  
19 AND EXPERIENCE REQUIREMENTS TO BE ELIGIBLE FOR CERTIFICATION.

20 (B) IN ADDITION TO SUBSECTION (A) OF THIS SECTION:

21 (1) A REHABILITATION NURSE WHO HAS MET THE EDUCATION  
22 REQUIREMENTS UNDER SUBSECTION (A)(1)(I) OF THIS SECTION TO QUALIFY FOR  
23 REGISTRATION SHALL WORK UNDER THE ADMINISTRATIVE SUPERVISION OF A  
24 CERTIFIED REHABILITATION COUNSELOR, CERTIFIED VOCATIONAL EVALUATOR,  
25 CERTIFIED INSURANCE REHABILITATION SPECIALIST, CERTIFIED CASE MANAGER,  
26 OR CERTIFIED REHABILITATION REGISTERED NURSE;

27 (2) A REHABILITATION COUNSELOR WHO HAS MET THE EDUCATION  
28 REQUIREMENTS UNDER SUBSECTION (A)(2)(I) OF THIS SECTION TO QUALIFY FOR  
29 REGISTRATION SHALL WORK UNDER THE ADMINISTRATIVE SUPERVISION OF A  
30 CERTIFIED REHABILITATION COUNSELOR, CERTIFIED VOCATIONAL EVALUATOR,  
31 CERTIFIED INSURANCE REHABILITATION SPECIALIST, CERTIFIED CASE MANAGER,  
32 CERTIFIED REHABILITATION REGISTERED NURSE, OR STATE-EMPLOYED  
33 REHABILITATION SPECIALIST; AND

34 (3) A VOCATIONAL EVALUATOR WHO HAS MET THE EDUCATION  
35 REQUIREMENTS UNDER SUBSECTION (A)(3)(I) OF THIS SECTION SHALL WORK  
36 UNDER THE ADMINISTRATIVE SUPERVISION OF A CERTIFIED VOCATIONAL  
37 EVALUATOR, CERTIFIED REHABILITATION COUNSELOR, CERTIFIED INSURANCE  
38 REHABILITATION SPECIALIST, CERTIFIED CASE MANAGER, CERTIFIED  
39 REHABILITATION REGISTERED NURSE, STATE-EMPLOYED REHABILITATION  
40 SPECIALIST, OR STATE-EMPLOYED VOCATIONAL EVALUATOR.

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1 9-6A-09.

2 AN APPLICANT FOR REGISTRATION SHALL SUBMIT AN APPLICATION TO THE  
3 COMMISSION ON THE FORM REQUIRED BY THE COMMISSION.

4 9-6A-10.

5 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE COMMISSION MAY  
6 WAIVE ANY REQUIREMENTS OF THIS SUBTITLE FOR A REHABILITATION  
7 PRACTITIONER WHO APPLIES FOR REGISTRATION TO ENGAGE IN THE BUSINESS OF  
8 REHABILITATION CONSULTANT SERVICES.

9 (B) THE COMMISSION MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF  
10 THE APPLICANT PROVIDES VOCATIONAL REHABILITATION SERVICES TO LESS THAN  
11 THREE COVERED EMPLOYEES IN A GIVEN YEAR.

12 9-6A-11.

13 THE COMMISSION SHALL REGISTER ANY APPLICANT WHO MEETS THE  
14 REQUIREMENTS OF THIS SUBTITLE.

15 9-6A-12.

16 A REGISTRATION, WHILE IN EFFECT, AUTHORIZES AN INDIVIDUAL, AS A  
17 REHABILITATION PRACTITIONER, TO ENGAGE IN THE BUSINESS OF PROVIDING  
18 REHABILITATION CONSULTANT SERVICES.

19 9-6A-13.

20 (A) UNLESS A REGISTRATION IS RENEWED FOR A 3-YEAR TERM AS  
21 PROVIDED IN THIS SECTION, A REGISTRATION OBTAINED BEFORE OCTOBER 1, 1996,  
22 EXPIRES ON THE SECOND SEPTEMBER 30 OF THE SECOND YEAR AFTER ITS  
23 EFFECTIVE DATE.

24 (B) AT LEAST 1 MONTH BEFORE A REGISTRATION EXPIRES, THE COMMISSION  
25 SHALL MAIL TO THE REGISTRANT, AT THE LAST KNOWN ADDRESS OF THE  
26 REGISTRANT, A RENEWAL NOTICE THAT STATES:

27 (1) THE DATE ON WHICH THE CURRENT REGISTRATION EXPIRES;

28 (2) THE DATE BY WHICH THE COMMISSION MUST RECEIVE THE  
29 RENEWAL APPLICATION FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE  
30 THE CURRENT REGISTRATION EXPIRES; AND

31 (3) THE AMOUNT OF THE RENEWAL FEE.

32 (C) BEFORE A REGISTRATION EXPIRES, THE REGISTRANT MAY RENEW THE  
33 REGISTRATION AN ADDITIONAL 3-YEAR TERM, IF THE REGISTRANT:

34 (1) IS ENTITLED UNDER THIS SUBTITLE TO BE REGISTERED; AND

35 (2) PROVIDES SATISFACTORY EVIDENCE OF COMPLIANCE WITH  
36 CONTINUING EDUCATION REQUIREMENTS AND OTHER QUALIFICATIONS AND  
37 REQUIREMENTS SPECIFIED UNDER THIS SUBTITLE FOR REGISTRATION RENEWAL.

7

1 (D) THE COMMISSION SHALL RENEW THE REGISTRATION OF ANY  
2 REGISTRANT WHO MEETS THE REQUIREMENTS OF THIS SECTION.

3 (E) EACH REGISTRANT SHALL GIVE THE COMMISSION WRITTEN NOTICE OF  
4 ANY CHANGE OF ADDRESS.

5 9-6A-14.

6 (A) SUBJECT TO THE HEARING PROVISIONS OF THE ADMINISTRATIVE  
7 PROCEDURE ACT, THE COMMISSION MAY DENY REGISTRATION TO ANY APPLICANT,  
8 REPRIMAND ANY REGISTRANT, OR SUSPEND OR REVOKE ANY REGISTRATION IF  
9 THE APPLICANT OR REGISTRANT FRAUDULENTLY OR DECEPTIVELY:

10 (1) OBTAINS OR ATTEMPTS TO OBTAIN A REGISTRATION FOR THE  
11 APPLICANT OR REGISTRANT OR FOR ANOTHER; OR

12 (2) USES A REGISTRATION.

13 (B) THE COMMISSION MAY REVIEW THE STATUS OF ANY REHABILITATION  
14 PRACTITIONER REGISTERED UNDER THIS SUBTITLE AT ANY TIME.

15 9-6A-15.

16 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE  
17 ACT, BEFORE THE COMMISSION TAKES ANY FINAL ACTION UNDER § 9-6A-16 OF THIS  
18 SUBTITLE, THE COMMISSION SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE  
19 ACTION IS CONTEMPLATED AN OPPORTUNITY FOR A HEARING BEFORE THE  
20 COMMISSION.

21 (B) THE INDIVIDUAL MAY BE REPRESENTED AT THE HEARING BY COUNSEL.

22 (C) THE COMMISSION:

23 (1) SHALL GIVE NOTICE AND HOLD A HEARING IN ACCORDANCE WITH  
24 THE ADMINISTRATIVE PROCEDURE ACT;

25 (2) MAY ADMINISTER OATHS IN CONNECTION WITH ANY PROCEEDING  
26 UNDER THIS SECTION; AND

27 (3) MAY ISSUE SUBPOENAS IN CONNECTION WITH ANY PROCEEDING  
28 UNDER THIS SECTION.

29 (D) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER THIS  
30 SECTION, ON PETITION OF THE COMMISSION, A COURT OF COMPETENT  
31 JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

32 (E) IF, AFTER DUE NOTICE, THE INDIVIDUAL AGAINST WHOM THE ACTION IS  
33 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE COMMISSION MAY HEAR AND  
34 DETERMINE THE MATTER.

35 9-6A-16.

36 ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE COMMISSION IN A  
37 CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT (TITLE 10,

8  
1 SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE), MAY APPEAL THE DECISION AS  
2 ALLOWED BY THE ADMINISTRATIVE PROCEDURE ACT.

3 9-6A-17.

4 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, A PERSON MAY NOT  
5 ENGAGE, ATTEMPT TO ENGAGE, OR OFFER TO ENGAGE IN THE BUSINESS OF  
6 PROVIDING REHABILITATION CONSULTANT SERVICES IN THE STATE UNLESS THE  
7 PERSON IS REGISTERED WITH THE COMMISSION.

8 9-6A-18.

9 UNLESS AUTHORIZED UNDER THIS SUBTITLE TO ENGAGE IN THE BUSINESS OF  
10 PROVIDING REHABILITATION CONSULTANT SERVICES, A PERSON MAY NOT:

11 (1) BE REIMBURSED UNDER THIS TITLE FOR THE PROVISION OF  
12 VOCATIONAL REHABILITATION SERVICES; OR

13 (2) REPRESENT TO THE PUBLIC BY USE OF A TITLE, INCLUDING  
14 "REGISTERED REHABILITATION CONSULTANT", BY DESCRIPTION OF SERVICES,  
15 METHODS, PROCEDURES, OR OTHERWISE, THAT THE PERSON IS AUTHORIZED TO  
16 ENGAGE IN THE BUSINESS OF PROVIDING REHABILITATION CONSULTANT SERVICES  
17 IN THE STATE.

18 9-6A-19.

19 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND REHABILITATION  
20 PRACTITIONER REGISTRATION ACT".

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 October 1, 1996.