
By: Senator Collins

Introduced and read first time: January 31, 1997

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

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

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

14 BY repealing and reenacting, with amendments,
15 Article - Labor and Employment
16 Section 9-671
17 Annotated Code of Maryland
18 (1991 Volume and 1996 Supplement)

19 BY adding to
20 Article - Labor and Employment
21 Section 9-6A-01 through 9-6A-20, inclusive, to be under the new subtitle "Subtitle
22 6A. Rehabilitation Practitioners"
23 Annotated Code of Maryland
24 (1991 Volume and 1996 Supplement)

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

27 **Article - Labor and Employment**

28 9-671.

29 (a) If required by the Commission, [a person] AN INDIVIDUAL who provides
30 vocational rehabilitation services under this title in the State shall register with the
31 Commission AS PROVIDED IN SUBTITLE 6A OF THIS TITLE.

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1 (b) [A person] AN INDIVIDUAL who is required under subsection (a) of this
2 section shall register on the form required by the Commission.

3 (c) [A person] AN INDIVIDUAL who fails to register with the Commission under
4 subsection (a) of this section may not receive payment for providing vocational
5 rehabilitation services.

6 SUBTITLE 6A. REHABILITATION PRACTITIONERS.

7 9-6A-01.

8 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
9 INDICATED.

10 (B) "ADVISORY COMMITTEE" MEANS THE ADVISORY COMMITTEE ON THE
11 REGISTRATION OF REHABILITATION PRACTITIONERS.

12 (C) "STATE DEPARTMENT OF EDUCATION, DIVISION OF REHABILITATION
13 SERVICES" MEANS THE STATE AGENCY DESIGNATED TO ADMINISTER THE PUBLIC
14 VOCATIONAL REHABILITATION SERVICES PROGRAM.

15 (D) "REGISTRATION" MEANS THE AUTHORIZATION OF A REHABILITATION
16 PRACTITIONER TO PROVIDE VOCATIONAL REHABILITATION SERVICES.

17 (E) (1) "REHABILITATION PRACTITIONER" MEANS AN INDIVIDUAL WHO
18 PROVIDES VOCATIONAL REHABILITATION SERVICES.

19 (2) "REHABILITATION PRACTITIONER" INCLUDES:

20 (I) A NURSE CERTIFIED BY THE STATE BOARD OF NURSING AS A
21 NURSE CASE MANAGER;

22 (II) A REHABILITATION COUNSELOR; AND

23 (III) A VOCATIONAL EVALUATOR.

24 (F) "VOCATIONAL REHABILITATION SERVICES" HAS THE MEANING STATED
25 IN § 9-670 OF THIS TITLE.

26 9-6A-02.

27 THE PURPOSE OF THIS SUBTITLE IS TO ESTABLISH EDUCATIONAL AND
28 EXPERIENCE REQUIREMENTS FOR INDIVIDUALS WHO PROVIDE VOCATIONAL
29 REHABILITATION SERVICES IN THE WORKERS' COMPENSATION FIELD AND TO
30 ESTABLISH A REGISTRATION SYSTEM TO BETTER REGULATE THE ACTIVITIES OF
31 THOSE INDIVIDUALS PROVIDING VOCATIONAL REHABILITATION SERVICES.

32 9-6A-03.

33 (A) THE STATE DEPARTMENT OF EDUCATION, DIVISION OF REHABILITATION
34 SERVICES, SHALL BE REGISTERED WITH THE COMMISSION TO PROVIDE
35 VOCATIONAL REHABILITATION SERVICES UNDER THIS SUBTITLE.

36 (B) REHABILITATION SPECIALISTS EMPLOYED BY THE STATE DEPARTMENT
37 OF EDUCATION, DIVISION OF REHABILITATION SERVICES, ARE NOT REQUIRED TO

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1 REGISTER INDIVIDUALLY TO PROVIDE VOCATIONAL REHABILITATION SERVICES
2 TO CLIENTS OF THE DIVISION.

3 (C) (1) EMPLOYERS OF REHABILITATION PRACTITIONERS ARE NOT
4 REQUIRED TO REGISTER INDIVIDUALLY FOR THEIR BUSINESS TO PROVIDE
5 VOCATIONAL REHABILITATION SERVICES.

6 (2) EXEMPTION OF REGISTRATION APPLIES ONLY TO THOSE
7 EMPLOYERS WHO ARE NOT REGISTERED REHABILITATION PRACTITIONERS.

8 (3) EXEMPT EMPLOYERS MAY NOT INDIVIDUALLY PROVIDE
9 VOCATIONAL REHABILITATION SERVICES.

10 9-6A-04.

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

14 (B) THE COMMISSION HAS THE AUTHORITY TO ADOPT AND ENFORCE RULES
15 AND REGULATIONS REGARDING THE STANDARDS OF PRACTICE OF
16 REHABILITATION COUNSELORS AND VOCATIONAL EVALUATORS.

17 (C) THE COMMISSION HAS THE AUTHORITY TO ENFORCE RULES AND
18 REGULATIONS REGARDING THE STANDARDS OF PRACTICE OF NURSE CASE
19 MANAGERS AS ADOPTED BY THE STATE BOARD OF NURSING.

20 (D) VIOLATION OF THE RULES AND REGULATIONS ADOPTED OR ENFORCED
21 BY THE COMMISSION IN ACCORDANCE WITH THIS TITLE BY A REHABILITATION
22 PRACTITIONER SHALL BE GROUNDS FOR DENIAL OF A REGISTRATION TO ANY
23 APPLICANT, OR SUSPENSION OR REVOCATION OF A REGISTRANT'S REGISTRATION
24 PURSUANT TO §§ 9-6A-15 AND 9-6A-16 OF THIS SUBTITLE.

25 9-6A-05.

26 (A) THERE IS AN ADVISORY COMMITTEE ON THE REGISTRATION OF
27 REHABILITATION PRACTITIONERS WITHIN THE COMMISSION.

28 (B) THE ADVISORY COMMITTEE CONSISTS OF SEVEN MEMBERS APPOINTED
29 BY THE COMMISSION IN ACCORDANCE WITH THIS SECTION.

30 (C) THE ADVISORY COMMITTEE SHALL BE COMPRISED OF REGISTERED
31 REHABILITATION PRACTITIONERS, WHO HAVE BEEN REGISTERED WITH THE
32 COMMISSION UNDER THIS SUBTITLE FOR A MINIMUM OF 3 YEARS.

33 (D) THE TERM OF AN ADVISORY COMMITTEE MEMBER IS 3 YEARS.

34 (E) IN MAKING APPOINTMENTS TO THE ADVISORY COMMITTEE, THE
35 COMMISSION SHALL PROVIDE FOR CONTINUITY AND ROTATION THROUGH A
36 STAGGERING OF TERMS.

37 (F) A MAJORITY OF THE FULLY AUTHORIZED ADVISORY COMMITTEE IS A
38 QUORUM.

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1 (G) THE ADVISORY COMMITTEE SHALL MEET AT THE REQUEST OF THE
2 COMMISSION.

3 (H) IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE
4 ADVISORY COMMITTEE SHALL:

5 (1) REVIEW APPLICATIONS FOR REGISTRATION SUBMITTED TO THE
6 COMMISSION WHENEVER FURTHER CLARIFICATION REGARDING THE APPLICANT IS
7 REQUESTED BY THE COMMISSION; AND

8 (2) AFTER REVIEW AND EVALUATION, PROVIDE RECOMMENDATIONS
9 TO THE COMMISSION CHAIRMAN ON THE APPLICANT.

10 9-6A-06.

11 (A) A REHABILITATION PRACTITIONER SHALL BE REGISTERED WITH THE
12 COMMISSION BEFORE THE PRACTITIONER MAY RECEIVE PAYMENT UNDER THIS
13 TITLE FOR PROVIDING VOCATIONAL REHABILITATION SERVICES.

14 (B) ANY EMPLOYER NOT REGISTERED BY THE COMMISSION, BUT
15 CONTRACTING ON BEHALF OF REGISTERED REHABILITATION PRACTITIONERS MAY
16 RECEIVE PAYMENT FOR PROVIDING VOCATIONAL REHABILITATION SERVICES.

17 9-6A-07.

18 (A) IN ADDITION TO ANY POWERS SET FORTH ELSEWHERE, THE COMMISSION
19 MAY ADOPT ANY REGULATION TO CARRY OUT THIS SUBTITLE.

20 (B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION
21 SHALL ESTABLISH REASONABLE FEES FOR REGISTRATION, REGISTRATION
22 RENEWAL, AND ANY OTHER SERVICE PERFORMED BY THE COMMISSION
23 NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

24 (2) THE FEES ESTABLISHED BY THE COMMISSION SHALL BE SET IN A
25 MANNER THAT WILL PRODUCE FUNDS SUFFICIENT TO COVER THE ACTUAL DIRECT
26 AND INDIRECT COSTS OF REGULATING THE REHABILITATION PRACTITIONER
27 INDUSTRY IN THIS STATE IN ACCORDANCE WITH THE PROVISIONS OF THIS
28 SUBTITLE.

29 (3) THE COMMISSION SHALL PAY ALL MONEY COLLECTED UNDER THIS
30 SUBTITLE INTO THE GENERAL FUND OF THE STATE.

31 9-6A-08.

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

34 (B) THE APPLICANT SHALL:

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

36 (2) SATISFY THE EDUCATION, EXPERIENCE, AND SUPERVISION
37 REQUIREMENTS OF § 9-6A-09 OF THIS SUBTITLE.

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1 9-6A-09.

2 (A) TO QUALIFY FOR REGISTRATION, A NURSE CASE MANAGER SHALL BE
3 CERTIFIED AS SUCH BY THE STATE BOARD OF NURSING.

4 (B) TO QUALIFY FOR REGISTRATION, A REHABILITATION COUNSELOR
5 SHALL:

6 (1) HAVE A BACHELOR'S DEGREE FROM AN ACCREDITED INSTITUTION
7 IN REHABILITATION COUNSELING, HUMAN SERVICES, PSYCHOLOGY, OR A RELATED
8 FIELD WITH AT LEAST 1 YEAR OF WORK EXPERIENCE IN A HUMAN SERVICES
9 OCCUPATION.

10 (2) HAVE A MASTER'S OR DOCTORAL DEGREE IN REHABILITATION
11 COUNSELING, HUMAN SERVICES, PSYCHOLOGY, EDUCATION, OR A RELATED FIELD;
12 OR

13 (3) BE A CERTIFIED REHABILITATION COUNSELOR, CERTIFIED
14 VOCATIONAL EVALUATOR, CERTIFIED DISABILITY MANAGEMENT SPECIALIST,
15 HOLD AN EQUIVALENT NATIONAL CERTIFICATION THAT IS ACCEPTABLE TO THE
16 COMMISSION, OR HAVE MET ALL OF THE EDUCATION AND EXPERIENCE
17 REQUIREMENTS TO BE ELIGIBLE TO BE CERTIFIED.

18 (C) TO QUALIFY FOR REGISTRATION, A VOCATIONAL EVALUATOR SHALL:

19 (1) HAVE A BACHELOR'S DEGREE FROM AN ACCREDITED INSTITUTION
20 IN VOCATIONAL EVALUATION, REHABILITATION PSYCHOLOGY, HUMAN SERVICES,
21 EDUCATION, OR A RELATED FIELD WITH 1 YEAR OF WORK EXPERIENCE IN THAT
22 FIELD;

23 (2) HAVE A MASTER'S OR DOCTORAL DEGREE IN REHABILITATION,
24 VOCATIONAL EVALUATION, PSYCHOLOGY, HUMAN SERVICES, EDUCATION, OR A
25 RELATED FIELD; OR

26 (3) BE CERTIFIED OR HAVE MET ALL OF THE EDUCATIONAL AND
27 EXPERIENCE REQUIREMENTS TO BE ELIGIBLE TO BE CERTIFIED IN VOCATIONAL
28 EVALUATION BY THE COMMISSION ON CERTIFICATION OF WORK ADJUSTMENT AND
29 VOCATIONAL EVALUATION SPECIALISTS, OR HAVE MET ALL OF THE EDUCATION
30 AND EXPERIENCE REQUIREMENTS TO BE ELIGIBLE FOR CERTIFICATION.

31 (D) IN ADDITION TO THE REQUIREMENTS OF SUBSECTIONS (B) AND (C) OF
32 THIS SECTION:

33 (1) A REHABILITATION COUNSELOR WHO HAS MET THE EDUCATION
34 REQUIREMENTS UNDER SUBSECTION (B)(1) OR (2) OF THIS SECTION TO QUALIFY
35 FOR REGISTRATION SHALL WORK UNDER THE ADMINISTRATIVE SUPERVISION OF A
36 CERTIFIED REHABILITATION COUNSELOR, CERTIFIED VOCATIONAL EVALUATOR,
37 CERTIFIED DISABILITY MANAGEMENT SPECIALIST, CERTIFIED CASE MANAGER, OR
38 CERTIFIED REHABILITATION REGISTERED NURSE; AND

39 (2) A VOCATIONAL EVALUATOR WHO HAS MET THE EDUCATION
40 REQUIREMENTS UNDER SUBSECTION (C)(1) OR (2) OF THIS SECTION SHALL WORK
41 UNDER THE ADMINISTRATIVE SUPERVISION OF A CERTIFIED VOCATIONAL

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1 EVALUATOR, CERTIFIED REHABILITATION COUNSELOR, CERTIFIED DISABILITY
2 MANAGEMENT SPECIALIST, CERTIFIED CASE MANAGER, OR CERTIFIED
3 REHABILITATION REGISTERED NURSE.

4 9-6A-10.

5 AN APPLICANT FOR REGISTRATION SHALL SUBMIT AN APPLICATION TO THE
6 COMMISSION ON THE FORM REQUIRED BY THE COMMISSION AND PAY THE
7 REGISTRATION FEE AS ESTABLISHED BY THE COMMISSION.

8 9-6A-11.

9 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE COMMISSION MAY
10 WAIVE ANY REQUIREMENTS OF THIS SUBTITLE FOR A REHABILITATION
11 PRACTITIONER WHO APPLIES FOR REGISTRATION TO PROVIDE VOCATIONAL
12 REHABILITATION SERVICES.

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

16 (C) ANY OTHER WAIVER THAT IS GRANTED SHALL BE IN ACCORDANCE WITH
17 REGULATIONS APPROVED BY THE COMMISSION.

18 9-6A-12.

19 THE COMMISSION SHALL REGISTER ANY APPLICANT WHO MEETS THE
20 REQUIREMENTS OF THIS SUBTITLE.

21 9-6A-13.

22 A REGISTRATION, WHILE IN EFFECT, AUTHORIZES AN INDIVIDUAL, AS A
23 REHABILITATION PRACTITIONER, TO PROVIDE VOCATIONAL REHABILITATION
24 SERVICES.

25 9-6A-14.

26 (A) A REGISTRATION EXPIRES ON THE DATE SET BY THE COMMISSION,
27 UNLESS THE REGISTRATION IS RENEWED FOR AN ADDITIONAL TERM AS PROVIDED
28 IN THIS SECTION. A REGISTRATION MAY NOT BE RENEWED FOR A TERM LONGER
29 THAN 3 YEARS.

30 (B) AT LEAST 1 MONTH BEFORE A REGISTRATION EXPIRES, THE COMMISSION
31 SHALL SEND TO THE REGISTRANT, BY FIRST-CLASS MAIL TO THE LAST KNOWN
32 ADDRESS OF THE REGISTRANT:

33 (1) A RENEWAL APPLICATION FORM; AND

34 (2) A RENEWAL NOTICE THAT STATES:

35 (I) THE DATE ON WHICH THE CURRENT REGISTRATION EXPIRES;

36 (II) THE DATE BY WHICH THE COMMISSION MUST RECEIVE THE
37 RENEWAL APPLICATION IN ORDER THAT THE RENEWED REGISTRATION MAY BE
38 ISSUED AND MAILED BEFORE THE CURRENT REGISTRATION EXPIRES; AND

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1 (III) THE AMOUNT OF THE REGISTRATION AND RENEWAL FEE.

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

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

5 (2) PAYS TO THE COMMISSION THE RENEWAL FEE SET BY THE
6 COMMISSION; AND

7 (3) PROVIDES SATISFACTORY EVIDENCE OF COMPLIANCE WITH
8 CONTINUING EDUCATION REQUIREMENTS AND OTHER QUALIFICATIONS AND
9 REQUIREMENTS SPECIFIED UNDER THIS SUBTITLE FOR REGISTRATION RENEWAL.

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

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

14 9-6A-15.

15 (A) SUBJECT TO THE HEARING PROVISIONS OF THE ADMINISTRATIVE
16 PROCEDURE ACT, THE COMMISSION MAY DENY REGISTRATION TO ANY APPLICANT,
17 REPRIMAND ANY REGISTRANT, OR SUSPEND OR REVOKE ANY REGISTRATION IF
18 THE APPLICANT OR REGISTRANT:

19 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
20 OBTAIN A REGISTRATION FOR THE APPLICANT OR FOR ANOTHER;

21 (2) FRAUDULENTLY OR DECEPTIVELY USES A REGISTRATION; OR

22 (3) DOES NOT COMPLY WITH THE RULES AND REGULATIONS
23 GOVERNING THE STANDARDS OF PRACTICE WITH REGARD TO THE DELIVERY OF
24 VOCATIONAL REHABILITATION SERVICES.

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

27 9-6A-16.

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

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

34 (C) THE COMMISSION:

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

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

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

5 (D) IF AN INDIVIDUAL FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER
6 THIS SECTION, ON PETITION OF THE COMMISSION, A COURT OF COMPETENT
7 JURISDICTION MAY COMPEL COMPLIANCE WITH THE SUBPOENA.

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

11 9-6A-17.

12 ANY INDIVIDUAL AGGRIEVED BY A FINAL DECISION OF THE COMMISSION IN A
13 CONTESTED CASE, AS DEFINED IN TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT
14 ARTICLE, MAY APPEAL THE DECISION AS ALLOWED BY THE ADMINISTRATIVE
15 PROCEDURE ACT.

16 9-6A-18.

17 EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, AN INDIVIDUAL MAY
18 NOT ENGAGE, ATTEMPT TO ENGAGE, OR OFFER TO ENGAGE IN THE PRACTICE OF
19 PROVIDING VOCATIONAL REHABILITATION SERVICES IN THE STATE UNLESS THE
20 INDIVIDUAL IS REGISTERED WITH THE COMMISSION.

21 9-6A-19.

22 UNLESS AUTHORIZED UNDER THIS SUBTITLE TO ENGAGE IN THE PRACTICE OF
23 PROVIDING VOCATIONAL REHABILITATION SERVICES, AN INDIVIDUAL MAY NOT:

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

26 (2) REPRESENT TO THE PUBLIC BY USE OF A TITLE, INCLUDING
27 "REGISTERED REHABILITATION CONSULTANT", BY DESCRIPTION OF SERVICES,
28 METHODS, PROCEDURES, OR OTHERWISE, THAT THE INDIVIDUAL IS AUTHORIZED
29 TO ENGAGE IN THE PRACTICE OF PROVIDING VOCATIONAL REHABILITATION
30 SERVICES IN THE STATE.

31 9-6A-20.

32 THIS SUBTITLE MAY BE CITED AS THE "MARYLAND REHABILITATION
33 PRACTITIONER REGISTRATION ACT".

34 SECTION 2. AND BE IT FURTHER ENACTED, That the Commission shall
35 grant a waiver of registration to any individual who is registered with the Commission on
36 October 1, 1997.

37 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 October 1, 1997.