

**TITLE 810. OKLAHOMA WORKERS' COMPENSATION COMMISSION
EMERGENCY RULES as approved by the Commission 1/16/2014**

CHAPTER 4 - Vocational Rehabilitation Services

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810:4-1-1. Purpose

This Chapter implements provisions of the Administrative Workers' Compensation Act, 85A O.S., §§1, et seq., which relate to vocational rehabilitation services.

810:4-1-2. Definitions

In addition to the terms defined in 85A O.S., §2, the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"AWCA" means the Administrative Workers' Compensation Act, 85A O.S., §§1, et seq.

"Claimant" means a person who claims benefits for an alleged work injury, occupational disease or illness, or death pursuant to the provisions of the AWCA, 85A O.S., §§1, et seq.

"Commission" means the Oklahoma Workers' Compensation Commission, a designee, or an administrative law judge to whom the Commission has delegated responsibility as authorized by 85A O.S., §21(D).

"Disabled" means rendered unable, as the result of a work-related injury, to perform work for which the person has previous training or experience.

"Gainful employment" means the capacity to perform employment for wages for a period of time that is not part-time, occasional or sporadic.

"Insurance carrier" means any stock company, mutual company, or reciprocal or interinsurance exchange authorized to write or carry on the business of workers' compensation insurance in this state, and includes an individual own risk employer or group self-insurance association duly authorized by the Commission to self fund its workers' compensation obligations.

"Pre-injury or equivalent job" means the job that the claimant was working for the employer at the time the injury occurred or any other employment offered by the claimant's employer that pays at least one hundred percent (100%) of the employee's average weekly wage.

"Vocational rehabilitation" means the process of restoring the vocational functioning of a worker who experiences a work-related injury.

"Vocational rehabilitation services" means professional services reasonably necessary during or after, or both during and after, medical treatment to enable a disabled injured employee to return to gainful employment as soon as practical. "Vocational rehabilitation services" includes vocational evaluation, retraining and job placement.

"Work-related injury" means a single event injury, cumulative trauma injury, or occupational injury or illness that arises out of and in the course of employment as provided in the AWCA.

810:4-1-3. Contested vocational rehabilitation cases

(a) If vocational rehabilitation services are not voluntarily offered by the employer or the insurance carrier, and accepted by the injured employee entitled to such services, the Commission, upon request or on its own motion, may refer the employee to a vocational rehabilitation evaluator

for evaluation of the practicability of, need for, and kind of service or training necessary and appropriate to restore the employee to gainful employment.

(b) If, upon receipt of the evaluator's written report, the parties dispute the report or are unable to agree on a vocational rehabilitation plan recommended by the evaluator and commence the vocational rehabilitation services, they may attempt to resolve the dispute through mediation or forego mediation and proceed directly to a contested case hearing before the assigned administrative law judge. The administrative law judge, after notice and affording the parties an opportunity to be heard and offer evidence, may order that the services recommended by the evaluator, or such other vocational rehabilitation services as deemed appropriate by the administrative law judge, be provided at the expense of the employer or insurance carrier.

(c) Contested hearings before the administrative law judge shall be conducted as provided in Subchapter 5 of Chapter 2 of this Title.

810:4-1-4. Vocational Rehabilitation Director

To carry out the vocational rehabilitation provisions of AWCA and this Chapter, the Commission shall hire or contract for a Vocational Rehabilitation Director to oversee the vocational rehabilitation program of the Commission and focus on helping injured workers return to the work force. The Commission may hire such additional personnel, within budgetary constraints, as may be deemed necessary to assist the Vocational Rehabilitation Director.

810:4-1-5. Registry of Private Providers of Vocational Rehabilitation Services

(a) The Commission shall maintain a registry of private providers of vocational rehabilitation services.

(b) To request to be included in the registry, a private provider of vocational rehabilitation services shall submit a signed and completed Commission prescribed VRS Registry form to the following address: Oklahoma Workers' Compensation Commission, Attention: HEALTH SERVICES DIVISION, 1915 North Stiles Avenue, Oklahoma City, Oklahoma 73105. Illegible, incomplete or unsigned registry forms will not be considered by the Commission and shall be returned. A copy of the VRS Registry form may be obtained from the Commission at the address set forth in this Subsection, or from the Commission's website at <http://www.wcc.ok.gov>.

(c) The registrant shall provide the following information, and such other additional information as may be required on the VRS Registry form:

- (1) the private provider's name, business name (if applicable), business address, telephone number, and e-mail address;
- (2) information describing the evaluation, assessment, assistance, placement or support services available from the private provider;
- (3) the locations where the private provider renders services;
- (4) a statement showing the private provider's education, training, or experience in vocational rehabilitation;
- (5) information regarding any experience or education concerning workers' compensation principles of the Oklahoma workers' compensation system; and
- (6) the private provider's professional credentials [e.g. Certified Rehabilitation Counselor (CRC), Certified Vocational Evaluator (CVE), Certified Disability Management Specialist (CDMS)].

(d) The registry shall be placed on the Commission's website at <http://www.wcc.ok.gov>.