VERMONT *Working Together for Vermont*

MEMO FROM THE WORKERS' COMPENSATION & SAFETY DIVISION

TO: **WORKERS' COMPENSATION VOCATIONAL REHABILITATION COUNSELORS, INJURED WORKERS, EMPLOYERS, INSURERS, ADJUSTERS, ATTORNEYS AND OTHER INTERESTED PERSONS**

FROM: **J. STEPHEN MONAHAN, DIRECTOR, WORKERS' COMPENSATION & SAFETY DIVISION, VERMONT DEPARTMENT OF LABOR**

DATE: **AUGUST 13, 2009**

SUBJECT: **WORKERS' COMPENSATION VOCATIONAL REHABILITATION STUDY; PUBLIC HEARING VIA VERMONT INTERACTIVE TELEVISION AUGUST 20, 2009, FROM 2:00PM TO 6:00PM**

Act 208 of the 2008 Legislative Session directed the Commissioner of Labor, in consultation with the Department of Labor Advisory Council, to review current vocational rehabilitation practices and activities in the workers' compensation system. The Act directed that the review consider:

Whether insurers were providing timely notice to the department of all injured workers who had been out of work 90 consecutive days;

Whether the department is providing immediate administrative enforcement against insurers that fail to provide that timely notification;

Whether all lost-time claimants received simple, understandable notices of their right to request, and how to request, vocational rehabilitation services no later than their receipt of their first workers' compensation indemnity benefits.

Whether review and resolution of insurance coverage and payment issues and other disputes occurred in a timely manner;

Whether performance standards to measure the success of vocational rehabilitation plans could be developed and what other approaches to increase the number of injured workers returning to suitable employments are appropriate.

A copy of Act 208 Section 15 is attached.

It would be helpful if the following questions are addressed.

1. Is the notice provided understandable and adequate? Suggest alternatives.

2. Is notice provided at the time a person receives their 1st compensation check the most appropriate cost effective weigh to alert persons who may need V.R. services of their rights?

3. What can be done to improve collaboration between injured workers, V.R. counselors, and W.C. Insurers to minimize disputes and quickly return injured workers to work?

4. Should V.R. counselors be paid based on performance rather than based on a flat fee schedule?

5. What is the best measure of V.R. success? For example, should the only measure be whether the worker returns to work at a suitable wage? Or should success reflect additional skills learned or employment deficits resolved?

6. Are existing services cost-effective? I.e. Is the injured worker receiving a vocational benefit worth the expense of the V.R. services provided?

Please join us during the public hearing on August 20 on VIT and share your comments, concerns and suggestion.