

Technical Amendment
October 31, 2022
EDUCATION AND LABOR CABINET
(Technical Amendment)

803 KAR 25:101. Provision of workers' compensation rehabilitation services.

RELATES TO: KRS 342.710

STATUTORY AUTHORITY: KRS 342.260(1), 342.710

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.260(1) requires the Office of Workers' Claims to promulgate administrative regulations to carry out its work and the work of the administrative law judges. KRS 342.710(3) requires rehabilitation services for an employee who has suffered an injury covered by KRS Chapter 342. This administrative regulation establishes requirements for the provision of rehabilitation services pursuant to KRS 342.260 and 342.710.

Section 1. Definitions.

- (1) "Administrative law judge" means an individual appointed pursuant to KRS ~~342.230(2)~~~~[342.230(3)]~~.
- (2) "Commission on Accreditation of Rehabilitation Facilities" or "CARF" means the national organization which accredits rehabilitation facilities.
- (3) "Directory of Qualified Rehabilitation Facilities" means the directory of facilities in Kentucky:
 - (a) Which are licensed pursuant to KRS Chapter 216B; and
 - (b)
 1. Which are accredited by CARF in either comprehensive inpatient rehabilitation or outpatient medical rehabilitation; or
 2. Whose application for accreditation is pending.
- (4) "Directory of Vocational Evaluation Facilities" means the directory of facilities in Kentucky which are:
 - (a) Accredited by CARF in the area of comprehensive vocational evaluation services; or
 - (b) Assessment centers operated by the Department for Technical Education.
- (5) "Medical rehabilitation services" means those medically oriented services beyond basic medical surgical and hospital treatment which are necessary for the accomplishment of feasible, practical, and justifiable physical rehabilitation goals.
- (6) "Rehabilitation services" means both medical rehabilitation services and vocational rehabilitation services provided pursuant to KRS 342.710.
- (7) "Vocational evaluation" means a comprehensive process which utilizes a combination of structured interviews and testing.
- (8) "Vocational rehabilitation services" means those vocationally related services which are necessary to restore an injured employee to suitable employment.

Section 2. Application for Listing in Directory of Qualified Rehabilitation Facilities.

- (1) An application for listing in the Directory of Qualified Rehabilitation Facilities shall not be required for a facility fully accredited by CARF in either comprehensive inpatient rehabilitation or outpatient medical rehabilitation as the names of those facilities are obtained from CARF.
- (2) Provisional listing in the Directory of Qualified Rehabilitation Facilities may be granted by the Office of Workers' Claims to a facility:
 - (a) Which is licensed through the Cabinet for Health and Family Services pursuant to KRS Chapter 216B;

- (b) Whose application to CARF for accreditation is pending; and
 - (c) That complies with the requirements established in subsection (3) of this section.
- (3) A facility shall file the following with the Office of Workers' Claims to request provisional listing:
- (a) Letter requesting provisional listing in the directory; and
 - (b) Copy of the application which has been submitted to CARF for accreditation in comprehensive inpatient rehabilitation or outpatient medical rehabilitation.
- (4) The provisional listing shall be valid for one (1) year unless CARF accreditation is granted or denied prior to that time.

Section 3. Referral of an Injured Employee by the Self-Insured Employer or Insurance Carrier.

- (1) A self-insured employer or insurance carrier may voluntarily refer an injured employee at any time for rehabilitation case management services involving the coordination of medical rehabilitation services and vocational rehabilitation services.
- (2) A self-insured employer or insurance carrier shall refer an injured employee to a case manager who is qualified as either a certified case manager, certified rehabilitation counselor, certified insurance rehabilitation specialist, or certified rehabilitation registered nurse.

Section 4. Referral of an Injured Employee by an Administrative Law Judge.

- (1) An administrative law judge may refer an injured employee to an Office of Workers' Claims employee for implementation of rehabilitation services pursuant to KRS 342.710(3).
- (2) An Office of Workers' Claims employee shall refer the employee for a vocational evaluation at a facility listed in the Directory of Vocational Evaluation Facilities.
- (3) Absent medical incapacitation or another compelling circumstance, the employee shall attend the vocational evaluation when scheduled.
- (4) The cost of the vocational evaluation including travel expenses shall be paid by the employer or other party designated by the administrative law judge.
- (5) The employee's travel expenses shall be reimbursed in accordance with 200 KAR 2:006.
- (6) Upon receipt of the vocational evaluation report, the employee and the employer or insurance carrier shall cooperate in the implementation of services designed to restore the employee to suitable employment.

(803 KAR 025:101. 21 Ky.R. 792; eff. 11-7-1994; 24 Ky.R. 2169; 2684; eff. 6-15-1998; 27 Ky.R. 1095; 1488; eff. 12-21-2000; TAm eff. 8-9-2007; Crt eff. 3-29-2019; TAm eff. 10-31-2022; Crt eff. 3-5-2026; Recodified to 120 KAR 001:101; eff. 6-29-2026.)

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