

CHAPTER 136. BENEFITS--VOCATIONAL REHABILITATION

§136.1. Review of Employer Report of Injury.

- (a) The commission shall analyze each employer report of injury, within 30 days of its receipt, for any information indicating that the employee had or is likely to have:
- (1) an amputation of:
 - (A) an arm or leg;
 - (B) three fingers or more; or
 - (C) the large toe or one-third of the foot or more;
 - (2) the loss of use of an arm or leg;
 - (3) a permanent spinal cord injury;
 - (4) a head injury;
 - (5) a heart attack or heart disease;
 - (6) an occupational disease;
 - (7) blindness or significant vision loss;
 - (8) severe or extensive burns;
 - (9) any other condition that indicates an impairment is likely; or
 - (10) any injury resulting in more than 30 days lost time. Such injury shall be reviewed and a determination made as to the degree of impairment and the appropriateness of rehabilitation services.
- (b) Whenever the commission finds facts that suggest one or more of the conditions listed in subsection (a) of this section, the commission shall notify the employee, the Texas Rehabilitation Commission, and the insurance carrier that the commission has identified the employee as someone who may be assisted by vocational rehabilitation. The notice shall:
- (1) be made no later than 60 days after the date the commission received the employer report of injury;
 - (2) contain the following information:
 - (A) the workers' compensation claim number assigned by the commission;
 - (B) the address of the local office of the commission assigned to manage the claim;
 - (C) the insurance carrier's name, and commission assigned identification number (if any);
 - (D) the name, address, and phone number of the employee; and
 - (E) the condition listed in subsection (a) of this section, that indicates that the employee may be assisted by vocational rehabilitation.

- (c) In addition to the information required by subsection (b) of this section, the commission's notice to the employee shall contain the following:
- (1) the address and telephone number of the office of the Texas Rehabilitation Commission that is closest to the employee's address;
 - (2) a brief description of the availability of private providers registered with the commission according to §136.2 of this title (relating to Registry of Private Providers of Vocational Rehabilitation Services); and
 - (3) a statement that the commission notified the Texas Rehabilitation Commission and the insurance carrier that the employee may be assisted by vocational rehabilitation.

The provisions of this §136.1 adopted to be effective March 18, 1991, 16 TexReg 1367.

§136.2. Registry of Private Providers of Vocational Rehabilitation Services.

- (a) The Commission shall maintain a registry of private providers of vocational rehabilitation services. A private provider may apply to the Commission to be included in the registry.
- (b) A private provider who wishes to be included in the registry shall complete a Commission approved registration form. The registration form shall be submitted in the form, format and manner prescribed by the Commission to the Commission at its Austin office, signed by the provider, and include the following information:
- (1) the private provider's name, business name (if applicable), business address, and telephone number;
 - (2) an informational brochure that describes 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) a statement showing the private provider is credentialed as a Licensed Professional Counselor (LPC), Certified Case manager (CCM), Certified Rehabilitation Counselor (CRC), Certified Vocational Evaluator (CVE), or Certified Disability Management Specialist (CDMS); and
 - (6) a statement that only the credentialed private provider of vocational rehabilitation services will perform vocational rehabilitation services, although related services (such as initial claimant intake, providing job search skills, verifying job search efforts, liaison with potential employers) may be performed by non-credentialed individuals under their direction.
- (c) The Commission shall include in its registry, for a period of one year from the date the Commission enters the private provider's name in the registry, a summary of the information provided on the registration form of each private provider who complies with the requirements of subsection (b) of this section.
- (d) The Commission shall provide a copy of the registry for inspection by the public at the Commission's central office in Austin, Texas, and each local field office of the Commission.

The provisions of this §136.2 adopted to be effective March 18, 1991, 16 TexReg 1368; amended to be effective November 28, 1999, 24 TexReg 10351.