

Memorandum of Understanding

Between the

Maine Department of Labor – Bureau of Rehabilitation Services
Division of Vocational Rehabilitation

And the

Maine Workers' Compensation Board

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This Memorandum of Understanding (hereafter MOU) is between the Maine Department of Labor – Bureau of Rehabilitation Services (BRS)' Division of Vocational Rehabilitation (DVR) and the Maine Workers' Compensation Board (WCB).

Purpose

The purpose of this MOU is to set forth the commitments of DVR and the WCB to cooperate to better meet the re-employment needs of individuals who are eligible for rehabilitation services, according to the statutes, rules, and regulations of both agencies.

Objective

DVR and the WCB are committed to work together to improve services and employment outcomes for individuals who, as a result of injury are in need of vocational rehabilitation services to return to employment. Through the efforts outlined in this agreement, DVR and the WCB will strive to maximize opportunities for injured Maine workers, minimize duplication of services, improve information sharing and referral, and coordinate activities in accordance with all applicable statutes and regulations.

Authority

The legal basis for this MOU is found in the following statutes:

The Rehabilitation Act of 1973, as amended -29 U.S. C. S701 et seq. Sec. 100 (a)(2), Sec. 101 (a)(11)(C) and Sc. 101(b)(8)

39-A MRS § 217
90 M.A.R 351, Ch. 6

Funding

DVR and WCB have established a fee structure (Attachment B) for rehabilitation services to be delivered by DVR for WCB referrals. These services may include assessment, evaluation, vocational guidance and counseling and other services as determined by WCB.

Nothing in this agreement shall be understood to limit, extend, or supersede any normal operations, legal obligations, or statutory requirements of the parties.

Program Descriptions

Maine Department of Labor - Division of Vocational Rehabilitation

Maine's Division of Vocational Rehabilitation (DVR) assists eligible individuals with disabilities who wish to achieve or retain employment in the community. Any individual who is committed to work and has a disability that creates a barrier to employment is encouraged to apply for assistance. Services begin with an application, eligibility determination, and a comprehensive assessment of rehabilitation needs. Counseling and guidance, the development of an individualized employment plan, and provision of services required for a specific employment goal then help people move to successful job placement. If services cannot be provided to all eligible individuals because of insufficient resources, DVR regulations require that individuals with the most significant disabilities be served first. If DVR were to reinstate a waitlist in the future, WCB would be immediately notified.

Maine Workers' Compensation Board

The general mission of the Maine Workers' Compensation Board (WCB) is to serve the employees and employers of the State fairly and expeditiously by ensuring compliance with the workers' compensation laws, ensuring the prompt delivery of benefits legally due, promoting the prevention of disputes, utilizing dispute resolution to reduce litigation and facilitating labor-management cooperation. When as a result of injury an employee is unable to perform work for which the employee has previous training or experience, the employee is entitled to such employment rehabilitation services, including retraining and job placement, as reasonably necessary to restore the employee to suitable employment.

Responsibilities of Each Party

A. Referral and Eligibility

The following will assist to promote smooth and effective referral processes:

- DVR will develop a Procedural Directive to address the standard protocol for referrals and applications from the WCB.
- WCB will make referrals to DVR using the attached form (Attachment A).

Any individual referred for DVR services must meet eligibility requirements in order to receive services.

B. Information Sharing

With the appropriate signed releases, DVR and WCB will share records and other information without cost and in a timely manner. All information will be shared in compliance with each agency's statutes, rules and regulations.

C. Assessment, Plan Development & Service Delivery

As appropriate, WCB may refer an individual to a board-approved facility for evaluation of the need for and kind of service, treatment or training necessary and appropriate to return the employee to suitable employment. WCB will certify the Division of Vocational Rehabilitation as an approved provider of employment rehabilitation services. DVR will continue to meet this standard by maintaining qualified personnel as defined in Chapter 6 of the WCB's rules.

As a result of a referral from WCB, and in accordance with Title 39-A M.R.S.A. § 217, DVR may deliver services including:

- Comprehensive Assessment of Rehabilitation Needs
- Evaluation
- Career Exploration Workshop – The Career Exploration Workshop is a 5-day workshop series offered by DVR. The CEW is intended to assist clients to learn more about their strengths, interests and abilities in a supportive group setting in preparation for development of an Individualized Plan for Employment.
- Written Initial Evaluation Plan and Report
- Identification of Employment Plan
- Vocational Guidance and Counseling

D. Joint Activities

With a focus on collaboration and use of comparable benefits, DVR and WCB will jointly initiate the following:

- Staff Training –
 - Memorandum of Understanding – DVR and WCB will ensure that their respective agencies are aware of this Memorandum of Understanding and understand how to support its implementation.
 - DVR and WCB will provide each other's agencies with training on an annual basis on changes and updates in policy and service provision.
- Professional Development – DVR and WCB will promote opportunities for shared learning on rehabilitation topics.
- Designated Liaison – Each DVR office will have an identified staff person who will serve as the liaison to the WCB. The names and contact information of these liaisons will be provided to WCB and will be updated as needed. (Attachment C).
- Ongoing Review – DVR and WCB will establish regular communication, including a minimum of one annual meeting, to discuss service provision, case review, trouble shoot issues related to shared cases etc.

- Data sharing – DVR and WCB will share de-identified data on employment outcomes and needs of individuals served to improve planning and resource allocation.
- Employer Outreach – DVR and WCB will share information on employer outreach activities to ensure that employers have current information on best practices in hiring and maintaining employees who have been injured on the job, current information concerning tax credits available to employers and other benefits.

Confidentiality

Confidentiality will be maintained by each party in conformity with applicable laws and regulations. When confidential information is to be shared concerning a client, DVR and WCB will ensure that a release of information is in place before personally-identifiable information is discussed or released.

Due Process and Appeals

Recipients of services by the parties to this agreement will receive information on the due process and appeals procedures for the agency from which they are receiving the service.

Interagency Disputes

If disagreements arise regarding any aspect of the implementation of this Memorandum of Agreement, they should first be attempted to be resolved between the specific parties involved. If this is unsuccessful, the dispute should be taken to the next successive leadership level until resolution is achieved.

Amendments and Termination

Changes or addendums to this MOU shall only be made upon written request from either party – following discussion and written agreement by both parties. The terms of this agreement shall not be waived, modified, or amended except by mutual written agreement.

This MOU will be reviewed by the parties on an annual basis. The MOU may be terminated by either party upon thirty (30) days written notice.

Signatures

A handwritten signature in dark ink, appearing to read "Paul Sighinolfi", written over a horizontal line.

Paul Sighinolfi
Executive Director/Chair
Workers Compensation Board

A handwritten signature in dark ink, appearing to read "Elizabeth Hopkins", written over a horizontal line.

Elizabeth Hopkins
Director
Division of Vocational Rehabilitation

MAINE DEPARTMENT OF LABOR
BUREAU OF REHABILITATION SERVICES
REFERRAL FROM THE WORKERS' COMPENSATION BOARD
TO VOCATIONAL REHABILITATION
FOR INITIAL EVALUATION AND REPORT/REHABILITATION PLAN

Date of Referral: _____

Name of Referred: _____

Reason for Referral & Comments:

For evaluation of the need for and kind of service, treatment or training necessary and appropriate to return the employee to suitable employment pursuant to Title 39-A M.R.S. §217(1).

The rehabilitation provider will present a rehabilitation plan to the Board within 60 days from the date of this referral. If the provider requires additional time to complete the plan, the provider will inform the Board in writing prior to expiration of the 60 days and include an explanation of the reason(s) for the request. If the Board does not issue a written denial within 20 days of the date of the request for additional time, the request for additional time is deemed approved.

Referred By:

Name: Kimberlee K. Barriere
Title: Deputy Director, Office of Medical and Rehabilitation Services
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**Maine Workers' Compensation Board
Maine Department of Labor Bureau of Rehabilitation Services
Division of Vocational Rehabilitation**

SERVICES AND FEES

Service	Description	Fee
• WC referral processing • VR eligibility determination	Intake completed; VR Eligibility determined within 60 days, following individual client meeting and review of application, referral and supporting records.	No cost
• Career Exploration Workshop	Completion of 4 - 5 day intensive workshop to prepare for Individualized Plan for Employment. Includes vocational counseling, peer-to-peer support and a variety of assessments, including the Employment Readiness Scale and World of Work Inventory.	\$ 350
	Partial completion of Career Exploration Workshop.	\$ 150
• Vocational Guidance and Counseling	Vocational rehabilitation counseling provided by Certified Rehabilitation Counselors.	\$ 55/hr
• Initial Evaluation Report • Evaluation/Comprehensive Assessment of Rehabilitation Needs • Identification of Employment Plan	Individualized assessment of rehabilitation needs and recommendation of return to work plan, compiled in a comprehensive report; includes approx. 10 hours of CRC time delivered within 8 – 10 weeks of WC referral.	\$ 550
• Technical assistance and consultation	General technical assistance and consultation regarding the vocational rehabilitation of people with disabilities, resources and public policies.	No cost