

TITLE 260 – DEPARTMENT OF LABOR AND TRAINING

CHAPTER 50 – INJURED WORKER SERVICES

SUBCHAPTER 05 – WORKERS' COMPENSATION

PART 5 – Rules and Regulations for Certification of Rehabilitation Counselors

5.1 Authority

The following rules and regulations are promulgated pursuant to R.I. Gen. Laws § 28-33-41(F).

5.2 Purpose

These rules are adopted for the purpose of regulating the certification of rehabilitation counselors.

5.3 Qualifications for Certification as a Qualified Rehabilitation Counselor (QRC)

- A. In order to qualify for certification as a qualified rehabilitation counselor (QRC), one of the following conditions must be met:
1. Certification by the Commission on Rehabilitation Counselor Certification as a certified rehabilitation counselor (CRC).
 2. Certification by the Association of Rehabilitation Nurses as a Certified Rehabilitation Nurse (CRRN) and one year of directly relevant vocational rehabilitation experience, as determined by the Director.
 3. Certification by the Disability Management Specialist Commission as a Certified Disability Management Specialist (CDMS).
 4. Certification by the Commission on Rehabilitation Counseling, as a Certified Case Manager (CCM).
 5. Certification by the Commission on Certification of Work Adjustment and Vocational Evaluation, as a Certified Vocational Evaluator (CVE).
 6. Three years of directly relevant experience in rehabilitation as determined by the Director, as a licensed registered nurse.
 7. A Masters' Degree in vocational rehabilitation or an Allied Social science, such as physical therapy, occupational therapy, psychology, social work,

nursing, guidance and counseling, and a minimum of one year's work experience in vocational rehabilitation. If an applicant relies on academic degree rather than professional certification, an official transcript reflecting their course work in obtaining the degree must be provided.

8. A Bachelors' Degree in vocational rehabilitation, nursing or an allied social science and a minimum of two-years of work experience in vocational rehabilitation, or case management. If an applicant relies on academic degree rather than professional certification, an official transcript reflecting their course work in obtaining the degree must be provided.
9. Employment with the State Division of Vocational Rehabilitation or the Dr. John E. Donley Rehabilitation Center as a vocational rehabilitation counselor. All work experience requirements must be verified by your employer. To qualify to meet eligibility criteria as work experience, the work experience must be full-time, paid, satisfactory employment, wherein at least 50% of work time was spent working as a rehabilitation counselor in a rehabilitation setting providing rehabilitation services to persons with disabilities.

5.4 Procedure for Registration as a QRC

- A. An application to become a QRC should include the following information:
 1. Completed, signed and notarized application form (renewal applications do not require notarization).
 2. Documentation of supporting experience/credentials requirement.
 3. Registration fee of \$50.00 every two years.

5.5 Qualifications for Certification as a Qualified Rehabilitation Counselor Intern (QRCI)

- A. Any individual who meets the educational requirements for any of the certifications mentioned for Qualified Rehabilitation Counselor shall be given a conditional certification as a QRCI provided:
 1. He/she works under the supervision of a Qualified Rehabilitation Counselor (QRC). Supervision is defined as a systematic and periodic evaluation of the quality of delivery of rehabilitation services. No supervised employee shall share his or her supervision with more than three other such employees simultaneously. Supervision includes co-signing of any report or plan submitted by a QRCI; and

2. The applicant submits a plan with time frames that are satisfactory to the Director for obtaining credentials necessary to make application for one of the categories listed under QRC qualifications.
3. Whenever a QRCI has a change in his/her supervision status notification must be made to the Director of when the change in supervision status will occur and what new arrangement for supervision will exist.

5.6 Procedure for Registration as a QRCI

- A. Completed, signed and notarized application form (renewal applications do not require notarization).
- B. Documentation of educational work experience.
- C. Registration fee of \$50.00 every two years.
- D. A plan of supervision to fulfill the QRC qualification criteria.

5.7 Approval Process for Certification

- A. The Director shall appoint a designee to review, accept or reject applications for certification.
- B. When additional documentation or clarification regarding eligibility criteria, are requested, such request must be satisfied before the application will be reviewed for certification.
- C. Where requirements for certification are met the Director's designee shall issue a certificate to the applicant within 30 days of receiving the completed application. A Certification number will be assigned.
- D. Recertification will be required every two years. Application for recertification will be due 60 days prior to the expiration of the applicant's current certificate.

5.8 Appeal Process

- A. The Appeals process is available for any applicant who feels that eligibility criteria has been inaccurately or unfairly applied in a particular case.
- B. Upon notice that his/her application for certification has been rejected, the applicant may request a review by the Director.
- C. At the time of notification of rejection, the applicant will receive notice of his/her right to appeal with instructions and timelines for doing so.
- D. The applicant must file written appeal with the Director's office within 10 days of notice of rejection. The Director's review will be limited to the facts and

documentation submitted in support of the application for certification. The applicant will not be permitted to submit additional documentation at this time.

- E. At the election of the applicant, he/she may receive formal hearing before the Director. Otherwise, the applicant's complete file, including the decision of the Director's designee will be considered by the Director and a decision will be rendered on the appeal within 60 days.
- F. If the applicant requests a hearing, one will be scheduled within 60 days. The Director's decision will follow within a reasonable time thereafter.
- G. The decision of the Director, after appeal, is final.
- H. Any applicant may reapply for certification under the standards for certification in existence at the time of reapplication.

5.9 Conditions Calling for Revocation of Certification

- A. Filing false or misleading information or statements in procuring certifications as a QRC or QRCI.
- B. Conviction of a crime, either a felony or a misdemeanor, reasonably related to the provision of rehabilitation services.
- C. A failure or inability to perform professional rehabilitation services with reasonable skill by reason of negligence or other causes, including failure of a registered QRC to monitor the performance of services provided by the QRCI whom he/she is supervising.
- D. Engaging in conduct likely to deceive, defraud or harm the public or demonstrating a willful or careless disregard for the health, welfare or safety of a rehabilitation client.
- E. Any violation of Code of Ethics contained in these rules and regulations.
- F. Loss or suspension of professional certification, such as those listed in § 5.3 of this Part.
- G. Failure to pay fees required to maintain QRC, QRCI certification.

5.10 Process for Revocation of Certification

- A. If the Director receives a complaint from any interested person alleging one of the conditions calling for Review or Revocation of Certification, as previously defined in these regulations:

1. The Director, in his/her discretion, may conduct a preliminary investigation and refer the matter to the Director's designee for preliminary determination.
2. The Director will advise the QRC/QRCI (in writing) of the nature and allegations contained in the complaint and request a written response from the QRC/QRCI within 15 days.
3. The Director's designee will review the complaint, the results of any preliminary investigation and the written reply of the QRC/QRCI.
4. If the Director's designee determines that no probable cause exists to believe that one or more of the conditions calling for Revocation of Certification have been breached, the complaint will be dismissed. Notice of dismissal will be sent to the QRC/QRCI.
5. If the Director's designee determines that probable cause exists to believe that one or more of the conditions calling for Revocation of Certification have been breached, the QRC/QRCI will be entitled to a hearing before the Rehabilitation Counselor Review Panel, upon request.
6. The QRC/QRCI will be notified, in writing, of any determination made regarding the existence of probable cause to believe that one or more of the conditions calling for Revocation of Certification have been breached.
7. If the QRC/QRCI chooses not to contest the Director's designee finding of probable cause, the Director will impose whatever discipline he/she feels is appropriate under the circumstances.
8. If the QRC/QRCI requests a hearing, one will be scheduled to be heard by the Rehabilitation Counselor Review Panel within 30 days of receipt of the request.
9. The Rehabilitation Counselor Review Panel will conduct a hearing. This Panel will be comprised of one Qualified Rehabilitation Counselor selected by the QRC or QRCI whose conduct is in question, one Qualified Rehabilitation Counselor selected by the Director and one Qualified Rehabilitation Counselor selected by a consensus of the Executive Board of the Association of Rehabilitation Professionals of Rhode Island.
10. At the conclusion of the hearing, the Panel will render an advisory opinion to the Director regarding the existence of one or more of the conditions calling for revocation of certification.
11. The Director will review the advisory opinion of the Panel and take whatever action he or she, in his or her discretion, deems appropriate.

12. If a QRC/QRCI has been suspended or his/her certification revoked, his/her name shall be removed from the Director's registry of Certified Rehabilitation Counselors until such time as he/she has been reinstated.
13. If the QRC/QRCI wishes to contest the decision of the Director, he/she may utilize any and all remedies available pursuant to the Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

5.11 Qualified Rehabilitation Counselor Code of Ethics

A. Canon 1-MORAL AND LEGAL STANDARDS

Qualified Rehabilitation counselors and Qualified Rehabilitation Counselor Interns shall behave in a legal, ethical, and moral manner in the conduct of their profession, maintaining the integrity of the Code, avoiding any behavior which would cause harm to others and abiding by all local, state and federal laws governing their professional activities.

B. Canon 2-COUNSELOR-CLIENT RELATIONSHIP

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall respect the integrity and protect the welfare of people and groups with whom they work. Qualified Rehabilitation Counselors' primary obligation is to persons with disabilities and Qualified Rehabilitation Counselors shall endeavor at all time to place that interest above their own.

C. Canon 3-CLIENT ADVOCACY

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall serve as advocates for persons with disabilities.

D. Canon 4-PROFESSIONAL RELATIONSHIPS

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall act with integrity in their relationships with colleagues, other organizations, agencies, institutions, referral sources, and other professions so as to facilitate the contribution of all specialist's toward achieving optimum benefit for clients.

E. Canon 5-PUBLIC STATEMENTS/FEES

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall adhere to professional standards in establishing fees and promoting their services. Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall disclose to all parties any financial interest they may have in any facility service provider or program, to which they refer a client.

F. Canon 6-CONFIDENTIALITY

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall respect the confidentiality of information obtained from clients in the course of their work.

G. CANON 7-ASSESSMENT

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall promote the welfare of clients in the selection, utilization, interpretation of assessment measures.

H. CANON 8-RESEARCH ACTIVITIES

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall assist in efforts to expand the knowledge needed to more effectively serve persons with disabilities.

I. CANON 9-COMPETENNCE

Qualified Rehabilitation Counselors and Qualified Rehabilitation Counselor Interns shall establish and maintain their professional competencies at such a level that their clients receive the benefit of the highest quality of services the profession is capable of offering.

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COUNSELORS**

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