



Proposed Regulation Changes

REHABILITATION SPECIALIST DISQUALIFICATION PROCESS DISCUSSION

8 AAC 45.440, 8 AAC 45.500 AND 8 AAC 45.420

8 AAC 45.440(e)

- ▶ (e) Before disqualifying a rehabilitation specialist, the administrator shall notify the rehabilitation specialist in writing, served either personally or by certified mail, of the proposed disqualification. **A rehabilitation specialist who has been notified of a proposed disqualification may, no more than 30 days after receipt of the notice, file a written request with the administrator for an opportunity to meet with the administrator to discuss the proposed disqualification.**
- ▶ *Does this mean a meeting is mandatory if requested?*

8 AAC 45.440(g)(1)

- ▶ (g) The administrator's written decision under (f) of this section must
 - ▶ **(1) require the rehabilitation specialist to change unsuitable behavior or upgrade skills according to a plan determined by the administrator;**
 - ▶ (2) for acts arising under (b)(1) - (4) or (10) of this section, disqualify the rehabilitation specialist for at least one year for the first disqualification and at least five years for the second disqualification and explain the reasons for the action and the conditions, if any, under which the rehabilitation specialist may reapply;
 - ▶ (3) permanently remove the rehabilitation specialist from the list for acts arising under (b)(5) - (9) of this section; or
 - ▶ (4) state that no grounds for disqualification or disciplinary action were found.
- ▶ *What are the RBA's powers when creating a plan? If this the end result is a plan under (a), does the RS have the right to appeal?*

8 AAC 45.440(h)

- ▶ (h) The administrator's decision must be served upon the rehabilitation specialist or the rehabilitation specialist's representative, either personally or by certified mail. A copy must be sent to the employee or employer, if any, who requested that the administrator consider disqualifying the rehabilitation specialist. **A disqualification decision is effective 10 days after the date of the decision unless a written request for board review is filed with the board and is served in accordance with (i) of this section no more than 10 days after service of the administrator's decision.**
- ▶ *Currently, the decision is not final until the full board review if there is an appeal. Should we consider creating a proceeding where a stay of a final RBA decision could be granted by the board, instead of this system of an automatic stay?*

8 AAC 45.440(i)

- ▶ (i) A **disqualified rehabilitation specialist**, an employee, or an employer, may request board review of the administrator's decision. If the
 - ▶ (1) **disqualified rehabilitation specialist** requests review, the rehabilitation specialist must serve a copy on any other person whom the administrator served with a copy of the decision;
 - ▶ (2) employee or employer requests board review, the employee or employer must serve a copy of the review request upon the disqualified rehabilitation specialist.
- ▶ *Should we consider defining “disqualified rehabilitation specialist” so we know when the rights apply?*

8 AAC 45.500(b)

- ▶ (b) An itemized billing statement must reflect, for each activity, the date of service, the activity performed, the name of the individual who performed the activity, and the fee charged for the activity. **The original billing statement shall be submitted to the employer for payment and copied to the employee.** Billing statements not in compliance with this subsection will not be processed for payment.
- ▶ *Currently, this billing does not go to the RBA. Should the regulations be changed so billing also goes to the RBA so they can monitor for violations of 8 AAC 45.440(b)(8) (see if RS is engaging in fraudulent billing for purposes of disqualification)?*

8 AAC 45.420

- ▶ Rehabilitation specialist application. Provide required information and if information is provided, they go on a list.
- ▶ *Currently, a rehabilitation specialist can get on the list by submitting the required forms. There is no 'quality control' for RBA to maintain the quality of the providers on the list. Would the board consider modifying the language to allow level of discretion by RBA?*