

RULES AND REGULATIONS FOR
THE CERTIFICATION OF
REHABILITATION COUNSELORS

The following rules and regulations are hereby promulgated pursuant to Chapter 35 of Title 42 for certifying rehabilitation providers, evaluators and counselors and requiring said certification of counselors as a condition of rehabilitation plan approval:

I. QUALIFICATIONS FOR CERTIFICATION

1. Qualified Rehabilitation Counselor (hereinafter “QRC”)

- (a) Qualification for certification by the Director of the Rhode Island Department of Labor shall require preliminary certification by the Commission on Rehabilitation Certification, the Certification of Disability Management Specialists Commission, as a certified disability management specialist (CDMS), the Association of Rehabilitation Nurses as a certified rehabilitation nurse (CRRN), the Commission on Certification of Work Adjustment and Vocational Evaluation as a certified vocational evaluator (CVE), and the Commission on Rehabilitation Counselor Certification as a certified case manager (CCM).
 - (b) Certification by the Director of the Rhode Island Department of Labor of a certified rehabilitation nurse (CRRN) shall require as a condition certification by the Association of Rehabilitation Nurses and one (1) year experience as a registered nurse in the area of Vocational Rehabilitation.
 - (c) A masters degree in vocational rehabilitation, physical therapy, occupational therapy, psychology, social work or nursing, and at least two (2) years experience in the field of vocational rehabilitation of work-related disabilities shall constitute the preliminary requirements for obtaining certification by the Director of the Rhode Island Department of Labor.
 - (d) Employment as a vocational rehabilitation counselor in the Rhode Island Division of Vocational Rehabilitation or the Dr. John E. Donley Rehabilitation Center shall constitute the preliminary requirement for obtaining certification by the Director of the Rhode Island Department of Labor.
2. The rules and standards of the certifying bodies stated in Rule 1 (a), supra, are incorporated by reference are hereby promulgated as provisions of the within rules and regulations.
3. An applicant seeking certification by the Director of the Rhode Island Department of Labor shall provide the information necessary to assist the Director in determining the applicants eligibility for certification, including official academic transcripts, letters of recommendation by the applicants’ employers, curriculum vitae, and verified copies of the applicants’ professional certifications.

4. (a) Conditional certification as a qualified rehabilitation counselor intern (hereinafter, "QRCI"), may be conferred upon those persons meeting the educational requirements for the CRC, CDMS, CCRN, CVE or CCM certifications, provided that he or she is employed under the supervision of a QRC. Said supervision shall include systematic and periodic evaluation of the QRCI's performance, and the supervising QRC shall have no greater than four (4) other QRCI's under his or her supervision. The QRC shall be required to cosign all reports and/or plans submitted by the QRCI.
- (b) All changes or modifications in the supervision status of a QRCI shall be reported to the Director of the Rhode Island Department of Labor and shall include the nature of said change or modification.
- (c) In order to maintain good standing as a QRCI he or she shall submit a plan for his or her application for certification as a CRC, CDMS, CCRN, CBE or a CCM.

II. APPLICATION PROCESS

- (a) Applicants for QRC and QRCI shall file with the Director or his or her designee the following:
 - i. A fully completed and notarized application form;
 - ii. Certified copies of all required licenses, certifications, or degrees;
 - iii. Documentation relating to professional experience.
- (b) An applicant for QRC shall include in his application a schedule of services and corresponding fees.
- (c) An applicant for QRC shall remit an annual registration fee of \$100.00 with the application.
- (d) An applicant for QRCI shall include with his application a plan of supervision for fulfillment of the QRCI qualification criteria, in addition to an annual registration fee of \$50.00.
- (e) Upon an applicant's submittal of all required information and fees, the Director or his or her designee shall issue a decision on the application for certification within sixty (60) days.
- (f) All certified applicants shall be required to apply for recertification on an annual basis, and shall be required to file said application for recertification sixty (60) days prior to the anniversary date of certification.
- (g) Within thirty (30) days of the rejection of an initial application for certification an applicant may request that his or her application be reconsidered by the Director or his or her

designee. A decision on reconsideration shall be issued within sixty (60) days of an applicant's request for reconsideration. Any decision upon reconsideration shall be deemed final.

- (h) An applicant may reapply for certification upon the expiration of six (6) months from the date of rejection or a decision upon a request for reconsideration. A reapplication for certification shall require the same contents as that of an original application, and shall be reviewed de novo by the director or his or her designee.

III. FOREIGN REHABILITATION COUNSELORS

- (a) A foreign rehabilitation counselor is defined as a rehabilitation counselor whose principal place of business is outside the state of Rhode Island.
- (b) All rules, standards and criteria applicable to rehabilitation counselors within the state of Rhode Island are hereby applicable to foreign rehabilitation counselors.
- (c) All fees applicable to Rhode Island rehabilitation counselors are hereby required of the foreign rehabilitation counselors, except that if a foreign rehabilitation counselor submits no more than two (2) rehabilitation plans for approval by the Director during the current certification period, then said counselor will be assessed an annual registration fee of \$25.00.

IV. THE CERTIFICATION OF A QRC OR QRCI MAY BE SUBJECT TO REVOCATION UPON THE FOLLOWING CIRCUMSTANCES:

- (a) the filing of false or misleading information or statements in the obtaining of certification from the Director of the Rhode Island Department of Labor;
- (b) pleading guilty or nolo contendere to a felony or misdemeanor, which relates to the moral character or professional capacity for the rendering of rehabilitation services;
- (c) the failure to perform rehabilitative services in conformance to reasonable professional standards;
- (d) the failure of a certified QRC to adequately supervise the performance of services provided by a QRCI to whom he or she is assigned;
- (e) willful or fraudulent misrepresentation or conduct which manifests a careless disregard for the health, safety and welfare of the public or an individual rehabilitation client;
- (f) failure to exercise due care in assisting in the placement of rehabilitation clients in

employment that reasonably accommodates their physical limitations;

- (g) failure to exercise due care in recommending plan amendments, closure or other alternatives when he or she should reasonably know that plan objectives are not feasible;
- (h) rendering rehabilitative services beyond the scope of his or her education, experience and qualifications;
- (i) failure to exercise due care in maintaining and safeguarding all information obtained in the course of rehabilitative services;
- (j) engaging in conduct which constitutes a violation of the code of ethics for a QRC;
- (k) the suspension or revocation of professional certification;
- (l) failure to remit fees required for maintaining certification;
- (m) the failure to exercise due care or reasonable diligence in transmitting upon proper request facts or information pertaining to a client's rehabilitation plan.

V. PROCEDURE FOR CERTIFICATION SANCTIONS

- (a) Upon the filing of a complaint with the Director of the Rhode Island Department of Labor alleging violations which bear on the certification status of a QRC or QRCI, the Director or his or her designee shall determine whether probable cause exists for referral of said complaint to a Rehabilitation Counselor Review Panel (hereinafter, "RCRP").
- (b) The RCRP shall be comprised of a rehabilitation counselor designated by the QRC who is the subject of the complaint, one (1) rehabilitation counselor designated by the Director or his or her designee and one (1) rehabilitation counselor designated by the president of the Associated Rehabilitation Professionals of Rhode Island.
- (c) Upon the receipt of a complaint the Director or his or her designee shall immediately give notice of said complaint to the QRC or QRCI, and give same the opportunity to respond in writing to said complaint within a reasonable period of time established by the Director or his or her designee.
- (d) The Director or his or her designee shall make a determination on the existence or lack of probable cause within thirty (30) days of the receipt of the complaint, and shall immediately notify the QRC or QRCI of said determination. In the event that probable cause is found the QRC or QRCI shall be offered an opportunity to consent to the jurisdiction of the Director or his or her designee for the imposition of sanctions. If the QRC or QRCI elects to contest the finding of probable cause, a RCRP shall be convened.

- (e) Within thirty (30) days of a demand for hearing before the RCRP, a hearing shall be scheduled at the Rhode Island Department of Labor at a time and date to be determined by the Director or his or her designee. Prior to said hearing date the RCRP shall elect a chairman whose responsibilities shall include the resolution of procedural and evidentiary issues as they may arise during the course of the hearing. Said decisions shall reflect a consensus of the RCRP.
- (f) Upon closure of the hearing, the RCRP shall render an advisory opinion to imposing sanctions upon the QRC or QRCI. The RCRP shall also advise the appropriate disposition in the event that grounds exists for the imposition of sanctions. Said sanctions shall be limited to the following: reprimand, censure, suspension of certification, revocation of certification, including a recommended term of suspension or revocation.
- (g) The Director or his or her designee shall render a final decision within ten (10) days upon receipt of the RCRP's advisory opinion. Notice of said decision shall be given to the QRC or QRCI upon its issuance, and it shall be a matter of public record.
- (h) In the event of suspension or revocation of certification, the QRC or QRCI shall have his or her name removed from the Director's Registry of Certified Rehabilitation Counselors until the conditions for reinstatement have been satisfied.

VI. REHABILITATION PLANS

1. A rehabilitation plan submitted for approval must include the following information on a client:
 - (a) Medical status;
 - (b) Vocational history;
 - (c) Educational history;
 - (d) Social history;
 - (e) Transferable skills;
 - (f) Employment limitations;
 - (g) Plan recommendations;
 - (h) Plan completion dates;
 - (i) Plan costs.

2. The QRC responsible for the development of the rehabilitation plan shall sign the request for approval. A QRCI's rehabilitation plan shall be signed by the QRCI and the supervising QRC. A QRC or QRCI shall include Rhode Island Department of Labor certification numbers upon all requests for approval.
3. All rehabilitation plans shall conform to pertinent federal, state and local laws, as well as the professional standards which regulate business practices.

VII. CODE OF ETHICS FOR CERTIFIED REHABILITATION COUNSELORS

1. Qualified Rehabilitation Counselors certified by the Director or his or her designee of the Rhode Island Department of Labor shall exercise their responsibilities in strict conformance with the Code of Ethics for Certified Counselors. Failure to comply with said Code of Ethics shall be grounds for disciplinary action pursuant to the provisions of Section IV of the within Rules and Regulations.

Edna S. Poulin
Director

Date