



ADMINISTRATIVE RULES OF MONTANA



24.29.1811 DUTIES OF THE DEPARTMENT

- (1) An injured worker is eligible for SAW/RTW assistance upon receipt by the department of a request for assistance from the injured worker, employer or health care provider.
- (2) When the department is unable to identify the insurer within three business days of receiving a request for SAW/RTW assistance, the department shall provide assistance to the injured worker. When the department identifies the at-risk insurer after the department has initiated assistance, the department shall continue to provide SAW/RTW services to the injured worker when the insurer declines to provide SAW/RTW assistance or fails to respond to department notice of the initiation of services. The department shall provide services until it:
 - (a) terminates SAW/RTW services to the injured worker upon notice of insurer denial of liability for the claim;
 - (b) terminates SAW/RTW services to the injured worker upon exhaustion of the maximum allowed provider fees, as provided in ARM 24.29.1815; or
 - (c) transfers responsibility for the delivery of SAW/RTW assistance to the insurer upon notice of the insurer's acceptance of liability for the claim.
- (3) When the department provides SAW/RTW assistance, the department shall assign a vocational rehabilitation counselor to each eligible injured worker to provide services which may include, but are not limited to, the following:
 - (a) personal contact with injured worker to assess the worker's commitment and ability to stay at or return to work;
 - (b) identification of barriers to the injured worker staying at or returning to work;
 - (c) review of the injured worker's medical status form to ensure worker's understanding of work abilities and restrictions;
 - (d) personal contact with injured worker's employer to establish employer's ability to provide transitional employment that meets injured worker's abilities, as outlined by the medical status form;
 - (e) facilitation of communication between injured worker and employer regarding offer and acceptance of transitional employment;
 - (f) communication with injured worker's treating physician or designee regarding the assessment and approval of transitional employment when approval is not explicitly provided by medical status form;

- (g) verification that duties assigned by employer to injured worker during transitional employment conform with abilities outlined by the medical status form;
 - (h) identification of concerns of the injured worker and employer and problem-solving throughout the process of establishing transitional employment; and
 - (i) monitoring injured worker's readiness and ability to return to time of injury job and providing appropriate interventions as needed.
- (4) The department shall provide written notice to the injured worker, employer and insurer, if identified, when a vocational rehabilitation counselor is assigned by the department to provide SAW/RTW services to an injured worker. The notice shall be mailed within three business days of the assignment of a vocational rehabilitation counselor.
- (5) The department shall provide written notice to the injured worker, employer and insurer of the completion of department-provided SAW/RTW assistance within three business days of the completion of services.

Authorizing statute(s): 39-71-203, 39-71-1051, MCA

Implementing statute(s): 39-71-105, 39-71-1031, 39-71-1041, 39-71-1042, 39-71-1043, MCA

History: NEW, 2012 MAR p. 1357, Eff. 7/13/12.