



THE COMMONWEALTH OF MASSACHUSETTS
Department of Industrial Accidents
Office of Education and Vocational Rehabilitation (OEVR)

What is Vocational Rehabilitation?

Although most injured workers return to previous jobs, sometimes the nature of the injury makes such a return impossible. Vocational Rehabilitation (VR) helps the injured worker find a new job or train for a new career. VR provides such non-medical services as vocational testing/counseling and job placement assistance. The Office of Education and Vocational Rehabilitation (OEVR) facilitates vocational rehabilitation services by referral to the insurers. OEVR does not directly provide these services.

Who may apply for VR Services?

Any injured worker may apply, however, to be determined suitable for VR an injured worker should:

- Have liability accepted by the insurer;
- Be medically stable or close to it;
- Have substantial functional limitations;
- VR must be feasible and cost effective.

How do I apply for VR Services?

You may apply by following the steps below:

- Apply in the region where your case is being heard by filling out a referral form requesting a mandatory meeting. You can get the referral form from the DIA web site (www.mass.gov/dia) or from the Regional Review Officer (also see referral forms on this poster board). Fill out the referral form completely. Your attorney can also assist you in filling out this form.
- Attach all pertinent information as indicated on the referral form. This includes medical reports, no more than six months old, as well as a copy of your lump sum agreement if applicable.
- Send your completed referral form and attached documents to the respective region where your case is being heard to the attention of the Office of Education and Vocational Rehabilitation (OEVR).

- A Regional Review Officer will contact you within two to four weeks for an appointment.

Who determines if I am eligible for VR Services?

Office of Education and Vocational Rehabilitation (OEVR) reviews your medical, educational, and employment history. If you are found eligible, OEVR will request that the insurer arrange VR services for you.

If I am found eligible for VR Services, will the insurer provide me with such services?

The insurer is required to provide you with VR services, after OEVR finds you eligible. Under certain circumstances, Trust Funds may also be utilized (*subject to approval from the Director of OEVR, and availability of such funds*).

Does VR mean that I will be sent to school and retrained?

The VR process is employment-oriented and is designed to get you back to employment in the most expedient and cost-effective way. Attempts will be made to return you to the same employer and your same job. If this is not possible, then the following options will be explored in the order listed below:

- If you cannot return to the same job, then an effort will be made to modify your job so you can return to your same employer;
- If that is not successful, then an effort will be made to find a different job with your employer;
- If that is not successful, then an effort will be made to find a different job with a different employer;
- Retraining is an option only after all the above options have been eliminated.

Can the insurer provide me with extra money, as part of my Lump Sum Settlement, for me to take care of my own vocational rehabilitation?

No. The cost of Vocational Rehabilitation Services (vocational counseling and testing, job seeking, job placement, job modification, etc.) cannot be made part of your Lump Sum Settlement. As the Workers' Compensation Statute clearly states, if at anytime you decide to settle your case "said agreement [to settle] shall not redeem liability for the payment of medical benefits or vocational benefits with respect to [your] injury."

MGL c. 152, § 48(2). Moreover, "[n]o lump sum settlement shall be reached between an insurer and an employee who has been deemed suitable for vocational rehabilitation services by the office of education and vocational rehabilitation who has not completed an appropriate rehabilitation program . . ., without the expressed written consent of said office." MGL c. 152, §§ 30G, 48(3). "Any employee who receives an amount in violation of [§ 48(3). i.e., without OEVR consent], shall have the right to re-open his or her claim for compensation." Id.

If I do settle my case prior to my vocational rehabilitation eligibility determination, does this end my right to seek vocational services through OEVR?

No. You may seek vocational rehabilitation within two (2) years of approval of your lump sum settlement. See MGL c. 152, § 48(2).

Do I have to accept VR Services?

No. However, if you are found to be eligible for vocational rehabilitation services by this department and you do not participate in a vocational rehabilitation program, your weekly compensation may be reduced by 15%.

Will I be guaranteed a job?

No. No one can guarantee that a job will be offered to you. The Regional Rehabilitation Review Officer assigned to your case will oversee progress in your active return to work efforts.

What if I need a prosthetic device?

The Regional Rehabilitation Review Officer determines whether an employee requires a mechanical device/appliance/artificial eye or limb to restore or continue him/her in industry, MGL c. 152, § 30 paragraph 4.