

ORDER OF SELECTION

I. LEGAL AUTHORITY:

Rehabilitation Act of 1973 (Public Law 93-112) as amended through 1998, Sect. 101(a)(5)(A)(B)(C)(C), (15)(B); 29 U.S.C. Sec. 721 (a)(5) and (a)(20), 705 (21); 34 CFR 361.63.

II. POLICY STATEMENT AND PURPOSE:

The Office of Rehabilitation Services intends to evaluate all applicants without delay to determine eligibility for services and to provide services to all eligible persons until such time that a reduction in services must be imposed due to a shortage of resources (funds, community rehabilitation programs, staff, or other resources). In the event such a shortage should occur, it is required that ORS implement the Order of Selection for services.

The following Order of Selection for services will be utilized for all individuals across the state found eligible on and after the implementation date. A statewide waiting list will be maintained by category and by application date of all those eligible individuals who do not meet Order of Selection priorities. ORS will also provide to all individuals assigned to a waiting list access to Information and Referral Services as described below.

The purpose of this section is to describe the Order of Selection and the policy and procedures governing its implementation.

A. Categories of Order of Selection for Services

1. Individuals with the most significant disabilities.
2. Individuals with significant disabilities.
3. All other individuals with disabilities who cannot be classified in a higher category.

B. Definitions

1. Individual with a Disability

An "individual with a disability" means any individual:

- a. Who has a physical or mental impairment which, for that individual, constitutes or results in a substantial impediment to employment; and
- b. Who can benefit in terms of an employment outcome from vocational rehabilitation services.

2. Disability

The term "disability" means a physical or mental impairment that constitutes or results in a substantial impediment to employment.

3. Individual with a Significant Disability

The term "individual with significant disability" means an individual:

- a. Who has a severe physical or mental impairment which seriously limits one or more functional capacities (e.g., mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

and

- b. Whose vocational rehabilitation can be expected to require multiple VR services over an extended period of time;

and

- c. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disabilities, end-stage renal disease or another disability or combination of disabilities based on an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

4. Individual with a Most Significant Disability

The term "individual with a most significant disability" means an individual:

- a. Who has a severe physical or mental impairment which seriously limits three (3) or more functional capacities (e.g., mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

and

- b. Whose vocational rehabilitation can be expected to require multiple VR services over an extended period of time;

and

- c. Who has one or more physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, mental retardation, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorder, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia, other spinal cord conditions, sickle cell anemia, specific learning disabilities, end-stage renal disease or another disability or combination of disabilities based on an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

5. Multiple VR Services

The term "multiple VR services" means two (2) or more primary services (except assessment for determining eligibility and vocational rehabilitation needs and the customary guidance and counseling provided during the management of VR cases).

6. Extended Period of Time

The term "extended period of time" means, as a guideline, six (6) months or more.

7. Primary VR Services

The term "primary VR services" means those services which reduce the impact of functional limitations on employment outcome (physical and mental restoration services, vocational and other training services, placement services, interpreter and reader services, recruitment and training in public service, rehabilitation teaching, orientation and mobility services, occupational licenses, tools, equipment, and initial stocks and supplies, rehabilitation technology, telecommunication, sensory, and other technological aids and devices, referral services, and supported employment services) as opposed to supportive services which complement the provision of primary services (transportation, including van modification; maintenance; services to family members; personal assistance services (on or off the job) provided while an individual with a disability is receiving primary services.

8. Information and Referral Services

The term "information and referral services" means vocational rehabilitation information, advice, and guidance to assist individuals in achieving employment. It includes appropriately referring individuals to Federal, State, and other programs such as the one-stop career centers that are best suited to meet the individual's specific employment needs.

III. PROCEDURES:

- A. The ORS Administrator or her/his designee will announce publicly the date, level, and rationale for the imposition of an Order of Selection for services.
- B. Whenever the Order of Selection is imposed, all applicants for VR services will receive both an oral and written explanation about the Order of Selection as part of their explanation about Agency services and processes.
- C. Upon a finding of eligibility and completion of the certification of eligibility, the VR counselor will determine the appropriate Order of Selection category for the eligible individual. If the priority category to which the individual is assigned is one which is currently being served by ORS, case status "10" is utilized on the MIS. If it is a category not currently being served, case status "04" is utilized in MIS.

The case record must include the rationale for the Order of Selection classification of the individual and relevant documentation. To support a determination of either significant or most significant disability, the counselor should clearly describe and quantify, as much as possible, the functional limitations caused by the individual's disability or disabilities, the condition(s) under which the limitations occur, and the employment-related consequences for the individual.

- D. A letter of explanation including a notice of due process rights is sent to all individuals who are eligible but who do not meet Order of Selection priority categories currently being served. These individuals are placed on a waiting list for services. In addition, they are informed of the availability and scope of Information and Referral Services. Included with this letter is a referral, specific points of contact, and information about the most suitable services that will assist the individual to prepare, secure, retain, or regain employment. Copies of the letters are filed in the case record.
- E. When information which is relevant to an Order of Selection classification is obtained about an individual subsequent to a classification decision, the VR counselor must promptly reassess all relevant data to the extent necessary to assure an accurate decision.
- F. Requests for Post-Employment services are not subject to the Order of Selection.