

Chapter 106: Order of Selection

Vermont Division of Vocational Rehabilitation
Policy and Procedures Manual

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Section I. Definitions

- A. **"Eligible person"** means a person who has been certified as being eligible for Division of Vocational Rehabilitation (DVR) services. (See Chapter 202, Sect. III, "Eligibility")
- B. **"Extended evaluation"** means the provision of vocational rehabilitation services, for a maximum of eighteen (18) months, for the limited purpose of determining whether or not an individual meets the eligibility criteria for vocational rehabilitation services. (See Chapter 202, Sec. IX, "Eligibility")
- C. **"Extended period of time"** means six (6) months or longer.
- D. **"Multiple services"** means vocational rehabilitation counseling, guidance and placement services plus at least one other service such as health services, training, and adaptive aids as part of a vocational rehabilitation program. These services do not have to be provided by DVR.
- E. **"Order of Selection"** (OOS) means, if DVR cannot serve all eligible persons, the order in which a person will receive DVR vocational rehabilitation services.
- F. **"Priority category"** means a classification of eligible persons listed according to priority for receiving vocational rehabilitation services under an Order of Selection.
- G. **"Referral date"** means the earliest date that a person becomes known to DVR as a person who may benefit from its services; it becomes the date on which the person's name is registered as being in the vocational rehabilitation system.
- H. **"Restricted Priority Category"** means a category of persons who have been determined to be eligible for but who are unable to receive services because of the Order of Selection.

Section II. Purpose

- A. The Rehabilitation Act places emphasis on vocational rehabilitation services for persons with the most significant disabilities and assigns priority to meeting the needs of that group. This requirement is to assure that, in the event that vocational rehabilitation services cannot be promptly provided to all eligible persons, the needs of those with the most significant disabilities, due to their probable costs and complexity, will not be deferred but rather will be given priority.
- B. This policy sets forth the order to be followed in selecting persons with disabilities to be provided rehabilitation services when it has been determined by DVR that such services cannot be provided to all persons who apply and who have been determined to be eligible.

Section III. Priority Categories

- A. **Priority Category I:** Individuals who have been determined by DVR to have a physical or mental impairment that constitutes or results in a substantial impediment to employment and that seriously limits function in four or more areas of functional capacity (mobility, communication, work tolerance, work skills, self-care, self-direction, interpersonal skills, dexterity/coordination), requiring multiple services over a period of six months or more.
- B. **Priority Category II:** Individuals who have been determined by DVR to have a physical or mental impairment that constitutes or results in a substantial impediment to employment and that seriously limits function in two to three areas of functional capacity (mobility, communication, work tolerance, work skills, self-care, self-direction, interpersonal skills, dexterity/coordination), requiring multiple services over a period of six months or more.
- C. **Priority Category III:** Individuals who have been determined by DVR to have a physical or mental impairment that constitutes or results in a substantial impediment to employment and that seriously limits function in one area of functional capacity (mobility, communication, work tolerance, work skills, self-care, self-direction, interpersonal skills, dexterity/coordination), requiring multiple services over a period of six months or more.
- D. **Priority Category IV:** Individuals who have been determined by DVR to have a physical or mental impairment that constitutes or results in a substantial impediment to employment and that seriously limits function in one area of functional capacity (mobility, communication, work tolerance, work skills, self-care, self-direction, interpersonal skills, dexterity/coordination), requiring multiple services over a period of less than six months.

Section IV. Order of Selection (OOS) – Key Requirements

- A. All eligible persons shall, after determination of eligibility, be classified by Priority Category. The OOS will have no effect upon the eligibility of the persons but only upon the order in which such persons may receive vocational rehabilitation services.
- B. All applicants are to receive whatever diagnostic services are necessary for the determination of eligibility and significance of disability without regard to the OOS.
- C. In determining the Priority Category, persons are to be placed in the highest category for which they are eligible.
- D. Although a person's circumstances may change so that s/he is no longer eligible for a particular Priority Category, the person will remain in that category unless the change favors him/her. This will not apply to misclassification; a misclassified person, if moved to a less favorable Priority Category, will be advised of the change in writing and provided with appeal rights and information on the Client Assistance Program.

- E. Persons requesting post-employment services and for whom post-employment services are appropriate may be served in post-employment status without regard to OOS Priority Categories.

Section V. Notification of Classification

- A. If an applicant is placed in a restricted Priority Category, s/he must be notified in writing of:
 - 1. Eligibility for services;
 - 2. The Priority Category in which he or she has been placed; and
 - 3. The Priority Categories within the OOS which are open for services.
- B. Such written notification shall include information on procedures to appeal a Priority Category classification, information on the Client Assistance Program and, if applicable, written referral to other possible resources.

Section VI. Placement in a Priority Category and Appeal Rights

- A. All persons eligible for DVR services shall be classified by Priority Category at the time of their certification of eligibility or as soon thereafter as possible.
- B. Any eligible person may request mediation, an administrative review, or fair hearing to appeal his/her classification by Priority Category. This request must be made within fifteen (15) days after notification of classification by Priority Category.
- C. If a request for mediation, an administrative review, or fair hearing is made, priority classification shall not be changed pending completion of the appeals process.

Section VII. Determination to Serve

- A. DVR reserves the right to determine how many Priority Categories shall receive vocational rehabilitation services at any given time.
- B. A decision to provide services to less than all Priority Categories shall be reviewed by DVR and the State Rehabilitation Council at least quarterly.
- C. Whenever it is determined that DVR resources for services are available for eligible persons in a restricted Priority Category, such eligible persons shall receive services in the order in which they were referred to DVR. DVR reserves the right to determine how many eligible persons within a restricted Priority Category may receive services at any given time. This number will be determined by reviewing available resources and anticipated costs. As many persons will be served as resources allow.
- D. A full review of the OOS, with input from the State Rehabilitation Council, shall take place at least annually.