



Title:	<b>Vocational Rehabilitation (VR) Order of Selection and Statewide Wait List</b>
Procedure #:	<b>80-VR-06-02</b>
Policy Reference:	80-VR-06 Eligibility and Order of Selection (OOS)
Legal Reference:	34 CFR 361.5; 361.17; 361.22; 361.26; 361.28; 361.29; 361.36; 361.37; 361.42; 361.45; 361.57; OAC 3304-2-56; 3304-2-61; 3304-2-65
Effective Date:	May 8, 2017
Approved:	Kevin L. Miller, Executive Director 
Origin:	Bureau of Vocational Rehabilitation and Bureau of Services for the Visually Impaired
Supersedes:	80-VR-06-02 (07-01-15)
History:	Chapter 6: Order of Selection & Chapter 7: Operation of the Statewide Order of Selection Waiting List (10-1-10)
Review/Implementation	Begin Review – 11/08/18 Implement Revisions By – 05/08/19

**I. PURPOSE**

The purpose of this procedure is to provide direction for the statewide order of selection waiting list in accordance with appropriate federal (e.g. Code of Federal Regulations [CFR]) and state law (i.e. Ohio Revised Code, Ohio Administrative Code), governor directives and executive orders, other governing agency (e.g. DAS, OBM) policy or guidance, and/or executive director expectations.

Refer to the AWARE Manual for step by step instructions on this procedure.

**II. APPLICABILITY**

This procedure applies to Vocational Rehabilitation (VR) Staff and VR Contractors.

**III. DEFINITIONS**

Refer to “Vocational Rehabilitation Definitions” (80-VR-99.A)

**IV. PROCEDURES**

A. General

1. OOD shall provide information to individuals and, if applicable, their parent or legal guardian throughout the Vocational Rehabilitation (VR) process as required by law (e.g. rights and duties). This information shall be provided, in writing, and when appropriate, in the individual’s native language or through an appropriate mode of communication.

2. AWARE shall be updated with pertinent conversations, recommendations, justifications, approvals, and/or other actions taken in relation to this procedure. If supervisory or management approval is required during the VR process, the supervisor or manager shall document their approval in AWARE. If written approval is received from a supervisor or manager it shall be added to AWARE.
3. Each individual shall be informed that information given to or retained by OOD is confidential, whether it is required by law, what it is used for, and how and why it may be released.
  - a. VR Staff or VR Contractor shall follow “Storing Vocational Rehabilitation Confidential Personal Information” (70-GL-02-01).
  - b. Hard copy documents with Confidential Personal Information (CPI) shall be scanned into the appropriate AWARE module as a Case Note and then destroyed (i.e. shredded) as permitted by “Electronic/Scanned Documents Serve as Original Documents” (70-RM-01).
4. Transition Services” (80-VR-11-12 to be converted to 80-VR-20 and 80-VR-20-01) shall be followed for additional guidance and direction regarding order of selection for students with a disability enrolled in a secondary educational institution.

#### B. Order of Selection

1. OOD shall utilize an Order of Selection (OOS) to document an individual's priority category for VR services when resources (e.g. fiscal, personnel) are projected to be inadequate to meet the service needs for all individuals in the next fiscal year.
  - a. Individuals who have begun to receive services under an Individualized Plan for Employment (IPE) prior to the effective date or modification of implementation of OOS shall continue to receive services regardless of the priority category assigned under OOS.
2. VR Staff or VR Contractor shall not base the priority category under OOS on the following:
  - a. duration of state residency, per Residency/Immigration (80-VR-21);
  - b. type of disability;
  - c. race, color, religion, national origin/ancestry, disability, age (40 years or older), sexual orientation, gender or sex, veteran or military status, and/or genetic information or in any manner prohibited by law;
  - d. type of expected employment outcome;
  - e. source of referral;
  - f. particular service needs, anticipated cost of services required by an individual; or
  - g. income level of the individual or his/her family.
3. Individuals who are determined eligible for VR services shall have their functional limitations assessed and then assigned to one (1) of three (3) priority categories under OOS.
  - a. Presumptive Eligibility
    - i. To determine if an individual is presumptively eligible, VR Staff or VR Contractor shall follow guidance and direction in “Eligibility Determination” (80-VR-06-01).

- ii. If there is enough information to determine eligibility, regardless of his/her receipt of benefits under Title II and/or XVI of the Social Security Act, proceed to 5.
- iii. When an individual is presumed eligible solely based on his/her receipt of benefits, due to his/her own disability, under Title II and/or XVI of the Social Security Act, he/she shall be considered to have at least a Significant Disability (SD) priority category under Order of Selection (OOS).
  - a) VR Staff or VR Contractor shall select one (1) functional limitation in the “Disability Priority” screen in AWARE by reviewing and assessing available information/reports including information provided by the individual and/or, if applicable, his/her parent or legal guardian and by VR Staff or VR Contractor observation.
  - b) VR Staff or VR Contractor shall not populate the “Estimated Number of VR services” or the “Estimated Months of VR services” fields in the “Disability Priority” screen in AWARE, at this time (i.e. both should be left “0”).
  - c) VR Staff or VR Contractor shall complete required fields in the “Eligibility Determination” page in AWARE;
  - d) VR Staff or VR Contractor shall re-evaluate the initial SD determination once determined presumptively eligible, and if additional information is received.
    - 1) If the individual was determined eligible for benefits under Title II and/or XVI of the Social Security Act anytime within two (2) years prior to the VR application date and additional medical information is needed to re-evaluate the priority category, VR Staff or VR Contractor should complete the “Social Security Request for Medical Information (80-VR-06-02.B)” and send to the local Social Security Office.
      - 1.1 All required signatures shall be obtained prior to sending the “Social Security Request for Medical Information (80-VR-06-02.B)” to the local Social Security Office.
      - 1.2 VR Staff or VR Contractor should not complete the “Social Security Administration Consent For Release Form” (SSA-3288) for this request.
- b. After an individual has been determined eligible for VR services, as outlined in “Eligibility Determination” (80-VR-06-01), functional capacity areas shall be assessed and a determination of whether or not multiple VR services over an extended period of time shall be required in terms of an employment outcome. The individual shall then be assigned to one (1) of three (3) priority categories under OOS as detailed in B.4.a.
  - i. VR Staff or VR Contractor shall determine whether an individual’s functional limitation(s) is/are seriously limited by reviewing and assessing available information/reports including information provided by the individual and, if applicable, his/her parent or legal guardian, and by VR Staff or VR Contractor observation.
  - ii. VR Staff or VR Contractor shall consider the frequency, intensity, and duration of the following elements when determining whether an impairment seriously limits a functional capacity area.

a) Communication

- 1) Individuals with serious limitations in the functional capacity area of communication have difficulty transmitting and/or receiving information through spoken, written, or other non-verbal means and are dependent upon a person, service, device, or other mode and/or augmentation in order to communicate. Emphasis is placed on disability-related communication difficulty, rather from communication problems due to native language or cultural differences.
- 2) To determine if an individual has functional limitations in the area of communication, VR Staff or VR Contractor shall consider the following:
  - 2.1 ability to participate in conversation without speech-reading, sign language or other visual clues (language board, written aids);
  - 2.2 need for customized rehabilitation technology;
  - 2.3 ability to receive communication without extreme difficulty;
  - 2.4 need for a format other than standard print for written information; and
  - 2.5 ability to utilize expressive communication which is intelligible to the general public.
    - 2.5.1 Communication such as echolalia, word salad, and word finding difficulties would be included in this functional capacity area so long as it is severe enough to seriously limit the individual's expressive communication.

b) Interpersonal Skills

- 1) Individuals with serious limitations in the functional capacity area of interpersonal skills have difficulty with establishing and maintaining relationships (as they affect job performance), exhibiting behaviors which are socially unacceptable, accepting instructions, and/or responding appropriately to criticism.
- 2) To determine if an individual has a functional limitation in interpersonal skills, VR Staff or VR Contractor shall consider the following:
  - 2.1 inability to routinely participate in typical job preparation or work tasks due to social isolation/withdrawal or rejection by others;
  - 2.2 ability to understand acceptable levels and types of personal interaction;
  - 2.3 ability to avoid conflict with fellow workers, supervisors or others;
  - 2.4 ability to interpret and respond appropriately to the behavior and communications of others;
  - 2.5 ability to respond to situations without extreme hostility/anger or violence in work settings; and

2.6 the extent to which the individual demonstrates extreme fear/anxiety during interaction with others.

c) Mobility

- 1) Individuals with serious limitations in the functional capacity area of mobility have difficulty with the ability to move to and from home and work, or within a work environment; access and use of transportation, and use of spatial and perceptual relationships. They may also have difficulty traveling in terms of distance and/or terrain.
- 2) To determine if an individual has a functional limitation in the area of mobility, VR Staff or VR Contractor shall consider the following:
  - 2.1 ability to ambulate unassisted (e.g. requires wheelchair, attendant, prosthesis, sighted-guide);
  - 2.2 ability to utilize public transportation unassisted;
  - 2.3 ability to travel and/or drive unassisted in unfamiliar places;
  - 2.4 need for adaptive equipment;
  - 2.5 need for modifications and/or accommodations (not typically required by others) to move about the community; and
  - 2.6 need for orientation and/or other mobility training;

d) Self-Care

- 1) Individuals with serious limitations in the functional capacity area of self-care have difficulty independently performing activities of daily living, as related to training or work-related activities, and are dependent on others and/or require extensive services or devices to complete these activities.
- 2) To determine if an individual has functional limitations in the area of self-care, VR Staff or VR Contractor shall consider the following:
  - 2.1 need for personal assistance on the job;
  - 2.2 need for extra monitoring or attention to prevent accident or injury;
  - 2.3 ability to handle money or manage financial affairs; and
  - 2.4 need for routine assistance with medication and/or medical treatment compliance.

e) Self-Direction

- 1) Individuals with serious limitations in the functional capacity area of self-direction have difficulty with independent planning, task initiation, problem solving, or organization of goal directed activities. They require frequent supervision and/or customized technology accommodation in order to remember or understand instructions.

2) To determine if an individual has limitations in the functional capacity area of self-direction, VR Staff or VR Contractor shall consider the following:

2.1 need for frequent supervision;

2.2 need for constant supervision due to confusion or disorientation;

2.3 attention span and/or ability to concentrate on work;

2.4 ability to shift focus from one activity or task to another;

2.5 awareness of consequences or behavior;

2.6 ability to adjust own behavior appropriately; and

2.7 ability to independently problem solve during job preparation and/or job performance.

f) Work Skills

1) Individuals with serious limitations in the functional capacity area of work skills have difficulty with performing specific tasks required to carry out job functions and/or benefitting from training in the necessary job skills. They also require more training and supervision (not typically given to other trainees) in order to obtain/maintain work skills.

2) To determine if an individual has limitations in the functional capacity area of work skills, VR Staff or VR Contractor shall consider the following:

2.1 ability to learn work tasks;

2.2 level of need for single step instructions to perform work tasks;

2.3 ability to learn tasks that are routine and repetitive;

2.4 need for accommodations or rehabilitation technology to participate in training to develop work skills;

2.5 ability to perform work tasks at the level of speed and/or quality expected of other workers;

2.6 the ability to transfer work skills;

2.7 ability to obtain or maintain employment normally available to persons of equivalent age and education; and

2.8 possession of skills which could readily be used on a job which exists in the local labor market, resulting in limited vocational options.

g) Work Tolerance

- 1) Individuals with serious limitations in the functional capacity area of work tolerance have difficulty with fulfilling the demands of the work place regardless of the work skills already possessed. Limitations may be due to physical disability, stamina, fatigue, effects of medication, or psychological factors in terms of capacity or endurance for employment.
- 2) To determine if an individual has limitations in the functional capacity area of work tolerance, VR Staff or VR Contractor shall consider the following:
  - 2.1 ability to sustain the required level of work function regardless of physical or psychological restrictions;
  - 2.2 need for modifications, adaptive technology and/or accommodations (not typically made for other workers) to perform work tasks;
  - 2.3 need for assistance to determine which accommodations are appropriate;
  - 2.4 environmental restrictions that significantly limit the types of employment to be considered; and
  - 2.5 ability to build stamina to prepare for employment.
4. After the number of functional limitations has been determined, the duration of VR services shall be estimated and a priority category shall be assigned.
  - a. A Qualified Rehabilitation Personnel (QRP) shall assign the individual to one of the following priority categories under OOS based upon his/her number of functional limitations and in accordance with "VR Definitions Listing" (80-VR-99.A).
    - i. Most Significant Disability (MSD) - individuals in this category shall be served first.
    - ii. Significant Disability (SD) - individuals in this category shall receive VR services only after MSD individuals are served and sufficient resources are still available.
    - iii. Disabled (D) - individuals in this category shall receive VR services only after MSD and SD individuals are served and sufficient resources are still available.
5. All eligible individuals shall be assigned an OOS priority category, however it shall only be utilized to determine placement when there is a wait list for VR services provision.

C. Updating the Priority Category Under OOS

1. If new information and/or documentation is received by VR Staff or VR Contractors at any point during an individual's case, it shall be reviewed and evaluated and if applicable, a QRP shall determine if the original priority category under OOS should be amended.
2. If information is received that documents additional functional limitations, VR Staff or VR Contractor shall update "Eligibility Determination" and "Disability Priority" (i.e. move the individual to the appropriate category under OOS, if applicable) pages in AWARE.

3. Any time the priority category is amended, VR Staff or VR Contractor shall notify the individual, in writing, of the change.

#### D. OOS Statewide Wait List

1. OOD may operate under a Statewide Wait List when resources (e.g. fiscal, personnel) are inadequate to meet the service needs of all individuals in the current or next fiscal year.
2. In the event that a Statewide Wait List is necessary, individuals are placed on the list based first upon the assignment of their priority category under OOS and then based upon his/her application date, as shown in AWARE
  - a. In the event that OOD implements a Statewide Wait List, individuals who have begun to receive services under an Individualized Plan for Employment (IPE), prior to the effective date of the Statewide Wait List, shall continue to receive services regardless of the priority category assigned under OOS.
  - b. If an individual's priority category under OOS is amended and he/she is still on the Statewide Wait List, his/her placement shall be reprioritized or, if applicable, he/she shall be served immediately.
  - c. Individuals who are placed on the Statewide Wait List shall be provided information and referral to other local programs as required in "VR Information and Referral" (80-VR-11-07).

#### 3. Statewide Wait List Release Schedule

- a. The Executive Director, or designee, shall establish a Statewide Wait List release schedule based upon OOD's ability to serve additional individuals (i.e. personnel and/or fiscal resources become available).
- b. Prior to each release date, a determination shall be made by the Bureau of Vocational Rehabilitation (BVR) Deputy Director, or designee, regarding the number of individuals that are to be released.
- c. OOD shall release individuals from the Statewide Wait List in the following order:
  - i. by their priority category under OOS;
  - ii. by their application date; and
  - iii. alphabetically by last name.

#### 4. Statewide Wait List Termination

- a. A Statewide Wait List shall end when the Executive Director, or designee, determines that adequate resources are available to provide services to all individuals who meet the eligibility criteria

#### G. Notifications

1. VR Staff or VR Contractor shall notify the individual and if applicable, his/her parent or legal guardian, of his/her assignment to a priority category under OOS, and the right to appeal the category assignment as detailed below.

- a. "The "Eligibility Determination and Order of Selection" letter (80-VR-06-02.A) shall be used when individuals have been determined eligible.
  - b. "The "Order of Selection Re-Determination" letter (80-VR-06-02.B) letter shall be used when additional information and/or documentation is received and evaluated which results in a change to the individual's priority category under OOS.
  - c. If an individual is placed on the wait list, VR Staff or VR Contractor shall provide him/her with information and referral to other programs as required in "VR Information and Referral" (80-VR-11-07).
2. After the initial letter, VR Staff or VR Contractor shall verbally communicate (e.g. telephone, face-to-face) with individuals who were placed on the Statewide Wait List at least once every six (6) months to determine if they wish to remain on the list. Note: If verbal communication is not possible, communication shall be made via email or U.S mail.
    - a. When an individual is released from the Statewide Wait List, a "Statewide Waiting List Release" letter (80-VR-06-02.D) shall be sent to the individual.
    - b. If the individual indicates that they are no longer interested in remaining on the wait list (i.e. pursuing VR services), VR Staff or VR Contractor shall follow guidance and direction in "Case Closure" (80-VR-02 and 80-VR-02-01).

#### E. Violation

An employee who violates this procedure may be subject to discipline up to and including removal.

### FORMS AND ATTACHMENTS

- 80-VR-06-02.A – Eligibility and Order of Selection Determination Letter
- 80-VR-06-02.B – Order of Selection Re-Determination Letter
- 80-VR-06-02.C – Social Security Request for Medical Information Letter
- 80-VR-06.02.D – Statewide Waiting List Release Letter

### RESOURCES

- 80-VR-99.A VR Definitions Listing
- 80-VR-11-12 Transition (To be converted to 80-VR-20 and 80-VR-20-01)
- 70-GL-02-01 Storing Vocational Rehabilitation Confidential Personal Information
- 70-RM-01 Electronic/Scanned Documents Serve as Original Documents
- 80-VR-01.D Applicant and Eligible Individual Rights and Duties
- 80-VR-06-01 Eligibility Determination
- 80-VR-02 and 80-VR-02-01 Case Closure
- AWARE Manual

### REVIEW

It is the responsibility of the Deputy Director, or designee, to annually review this procedure, on or before, the date listed in the header and if applicable, make any necessary revisions. The Deputy Director or designee shall document the annual review as required in OOD Policy 10-ADM-01 "Policy and Procedure Development, Review, Dissemination and Acknowledgement".