

250.00P Order of Selection Procedure

April 1, 2003

See corresponding policy: 250.00 Order of Selection Policy

Note: Vocational Rehabilitation procedures provide internal guidance for ACCES-VR staff only and create no procedural or substantive rights for any individual or group.

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Introduction

The Rehabilitation Act requires that if ACCES-VR can not serve all eligible individuals who apply for services, an Order of Selection (OOS) must be used to determine the order in which individuals with disabilities will be provided services. Order of Selection requires a two-stage process. The first stage is the pre-implementation stage. In this stage, ACCES-VR is required to develop and adopt an Order of Selection Policy. This policy must be in place in advance of a declaration or implementation of OOS. Adopting a policy does not mean that ACCES-VR has entered into an Order of Selection, nor does it mean that OOS is inevitable. It merely provides ACCES-VR with the capability to move to OOS, should it prove necessary.

The second stage is the implementation of Order of Selection. Should it be necessary to implement an OOS, because ACCES-VR's anticipated expenditures exceed anticipated revenues, then the State Director is required to submit a plan to implement OOS to the Rehabilitation Services Administration (RSA). The plan must be consistent with existing ACCES-VR Policy and must be approved by RSA prior to implementation. It is anticipated that it will require approximately 30 days to implement an Order of Selection, once the State Director has determined that it will be needed.

This set of procedures will outline the action steps required of staff for both the pre-implementation and the implementation stage. It will describe the priority categories, which are based on the levels of significance of disability. An individual with the most significant disability is most likely to receive services, without first being placed on a waiting list. The procedures will also describe a new case status that will be put in place in the pre-implementation stage, and how that status will be used. The procedures will also provide the additional steps that must be taken in the event an OOS is declared and implemented.

Pre-Implementation Stage for Order of Selection

Case Statuses

With the effective date of the Order of Selection Policy, Case Status 09 will distinguish Eligibility from Plan Development, Case Status 10. In the past, Status 10 has meant both that the individual is eligible for services and that Plan Development activities have been initiated. Now, a completed eligibility case note will move the case into Status 09 (Eligibility). Unless and until ACCES-VR is in an Order of Selection, the case should move immediately into Status 10 (Plan Development).

Eligibility Status 09

1. Eligibility determination and the level of significance of the individual's disability are recorded on the **Information for Certification of Eligibility/Significance of Disability Case Note or the Information for Certification of Eligibility SSI/SSDI/Significance of Disability Case Note**. These case notes will merge the headers from the eligibility case note and the significance of disability case note and once finalized will move the case from Status 02, 06, or 07 into Status 09 (Eligibility).
2. In this planning stage, the level of significance of disability will not result in an individual being placed on a waiting list or the assignment of a priority category.

Plan Development Status 10

1. In this pre-implementation stage, the case must be moved from Status 09 to Status 10 (Plan Development). Staff can accomplish this immediately by completing and finalizing the **Status 10 Plan Development Case Note**. The advantage of taking this step is that further status changes can occur on the day the individual is made eligible, so that an Individualized Plan for Employment can be completed immediately after the **Status 10 Plan Development Case Note** is finalized.
2. Alternately, CaMS will automatically insert a finalized **Status 10 Plan Development Case Note** as an end of day process on the day that the eligibility case note has been finalized. The result will be that as of the next day, the case will be in Status 10. Further status changes can be made at that time.
3. Individuals will be notified of their eligibility for services and informed that the next step is plan development, which can begin immediately. The **Eligibility Notification to Consumer Letter** contains this information.

4. Once an individual's case is in Status 10, s/he will not be impacted by OOS during the life of that case. The only time that individual may be affected is if the case is closed and a new case opened after an Order of Selection has been declared and implemented.

Implementation Stage for Order of Selection

Determining How Individuals are Impacted

If an Order of Selection is declared and implemented, priority categories will be created and assigned to those individuals who become eligible for ACCES-VR services, after the date of implementation. This means that once an individual becomes eligible for ACCES-VR services, s/he will be assigned to a priority category. Individuals who are in at least the plan development stage (Status 10) on the day of implementation are not assigned a priority category and will continue to be served, without interruption. All others, including individuals yet to be referred to ACCES-VR, all those who are in contact status, in Statuses 02, 06, and 07 will need to be reviewed at eligibility to determine their priority category. ACCES-VR will continue to accept referrals, take applications and determine eligibility for services.

Assigning a Priority Category

1. At the time of eligibility, the determination of an individual's priority category will be based only on his or her significance of disability. There are three categories of significance of disability: Most Significant, Significant, and Less Significant. These correspond with the three priority categories.
2. The **Significance of Disability Policy and Procedure** (205.00 & 205.00P) outlines the factors used to determine Significance of disability and contains instructions for updating the data folder. This determination is the single determining factor in assigning an individual to a priority category for OOS purposes. It is critically important that staff carefully complete this determination in accordance with ACCES-VR Policies and Procedures on Significance of Disability.
3. Eligibility determination and the level of significance of the individual's disability are recorded on the **Information for Certification of Eligibility/Significance of Disability Case Note** or the **Information for Certification of Eligibility SSI/SSDI/Significance of Disability Case Note**. These case notes that will merge the headers from the eligibility case note and the significance of disability case note and once finalized will move the case from Status 02, 06, or 07 into Status 09 (Eligibility).
4. The Significant Disability classification can be updated via the **Significance of Disability Case Note or Significance of Disability Case Note (SSI/SSDI)** at any time during the case process, as more information becomes available. At the same time, the data folder will need to be updated.
5. If an individual is assigned to a priority category that has no waiting list, the **Status 10 Plan Development Case Note** must be completed. Once ACCES-VR is in an Order of Selection, this case note must be prepared and finalized by district office

staff. The end of day process in use during the pre-implementation stage will be discontinued.

6. Individuals assigned to a priority category for which a waiting list has been established will remain in Status 09, until ACCES-VR is able to reach them on the waiting list.

Waiting List

1. When the **Information for Certification of Eligibility/Significance of Disability Case Notes** or the **Information for Certification of Eligibility SSI/SSDI/Significance of Disability Case Note** is finalized, the individual's case will go into Status 09 from Statuses 02, 06, or 07.
2. Under an Order of Selection, Status 09 is where cases remain while the individual is on a waiting list. The individual's placement on a waiting list is based on two factors:
 - A. the Status 02 creation date. This means the date the case was entered into Status 02 on CaMS. While it will be possible to backdate the Status 02 effective date by 60 days, doing so will not change the date that the individual is placed on a waiting list; and
 - B. the priority category assigned to the individual, based on the level of significance of disability.
3. Staff will be notified that an individual has been reached on the waiting list through two means:
 - A. Caseload listing includes a column for an Order of Selection checkbox. CaMS will automatically insert a check into the checkbox for all individuals who can be served. Staff will be able to call up a list of Status 09 cases at any time. They will know which cases can be moved to Status 10, by the presence of the check mark.
 - B. At the same time that CaMS generates the check mark, it will also generate a tickler for the case, advising that the individual can be served.

Waiting List Documentation Requirements

1. ACCES-VR staff will notify individuals at the time they are made eligible for services that they are eligible and whether they will be placed on a waiting list. Individuals who are assigned to a priority category without a waiting list will be sent the Eligibility Notification to Consumer Letter.
2. Those individuals who will be assigned to a waiting list will be sent the **Eligibility-Priority Category Notification Letter** which will:
 - A. Inform the individual that s/he is eligible for services;
 - B. Inform the individual that s/he will need to wait for services due to the Order of Selection;
 - C. Inform the individual of their priority category;
 - D. Provide an attachment with the definition of the levels of Significance of disability;
 - E. Provide the individual with an the estimated time before they will receive services. The information needed to provide a reasonable estimate of time will

- be communicated to the district offices and continually updated by central office;
- F. Provide information, including contact information, about appropriate Federal and State programs, including other components of the statewide workforce investment system;
 - G. Offer to make a direct referral to the workforce investment system, if the individual is interested. This referral must give individuals a specific point of contact within the agency to which the individual is being referred as well as information and advice regarding the most suitable services. The provider to whom a referral is made must receive a letter of notice regarding a referral being made; and
 - H. Inform the individual of their right to appeal their category assignment.
3. A third letter, designated as the **IPE Development Category Letter**, will be available in CaMS, which will notify the individual that ACCES-VR resources are available to begin the development of his/her IPE. This letter is sent at the time the individual's case is moved into Status 10 (Plan Development), whether the individual has been on a waiting list or has moved directly into Status 10 when their priority category is not impacted by an Order of Selection waiting list. The individual will be asked to respond to the letter within 21 days.
 4. A fourth letter, **Are You Still Interested-Priority Category Letter**, will be available in CaMS, as a follow-up to the **IPE Development Category Letter**, to be sent to individuals who did not respond to that letter. The individual will be advised that ACCES-VR will close the case within 15 days if there is no response by the individual. Once in an Order of Selection, case movement will have a greater significance than it does now. Individuals will be waiting for services for a longer period of time, while others, who perhaps are not interested in receiving vocational rehabilitation services remain in an active status.

Case Closure from the Waiting List

1. If the individual is not interested in being placed on a waiting list, and makes that known prior to the eligibility decision, while the case is in Status 02, 06, or 07, the case is to be closed in Status 08. If later that individual decides to seek vocational rehabilitation services, a new case record should be created. This new case will carry a new date stamp. The individual will be placed on the waiting list based upon the newer date.
2. If after eligibility determination when the case is in Status 09 or Status 10 the individual indicates that s/he is not interested in services or does not respond to letters, the case is to be closed in Status 30. Typically, the reason for closure in these circumstances is that the individual has refused services, although the reason may vary depending on the specific reasons cited by the individual.

Reverting Closures

1. It will not be possible to revert a Status 30 closure, when the case had been closed from Status 09. To allow this would cause problems in managing the waiting list, and cause unexpected delays for individuals who had decided to remain on the list.

Since placement on the list is based on the Status 02 create date, reverting the closure would remove the record of closure and the individual would be placed back on the list as though their case had never been closed.

2. It will be possible to revert a Status 08 closure. Under most circumstances this should not be done; instead a new case should be created from the closed case. However, there will be circumstances in which an individual may have been determined ineligible for services, where supporting documentation or evidence is received after case closure. In these instances, it will be possible to revert the closure, complete the **Information for Certification of Eligibility/Significance of Disability Case Note** or the **Information for Certification of Eligibility SSI/SSDI/Significance of Disability Case Note**, and the individual will be placed on the waiting list as of the Status 02 creation date.

Reference:

Rehabilitation Act :

- Section 7; Section 101; Section 102

Federal Regulations :

- §361.5; 361.42; §361.48

Other Related Policy:

- 202.00 Eligibility for Services Policy
- 205.00 Significance of Disability Policy