

Chapter 106

ORDER OF SELECTION FOR SERVICES

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Section I. Definitions

- A. "**Division**" means the Vermont Division of Vocational Rehabilitation.
- B. "**Eligible person**" means a person who has been certified as being eligible for services. (See Chapter 202, Sect. III, "Eligibility")
- C. "**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")
- D. "**Extended period of time**" means six (6) months or longer.
- E. "**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 the Division.
- F. "**Order of Selection for Services**" (**OSS**) means, if the Division cannot serve all eligible persons, the order in which a person will receive services.
- G. "**Priority category**" means a classification of eligible persons listed according to priority for receiving vocational rehabilitation services under an Order of Selection for Services.
- H. "**Referral date**" means the earliest date that a person becomes known to the Division 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.
- I. "**Restricted Priority Category**" means a category of persons who have been determined to be eligible for but who are unable to receive services in accordance with the rules herein.

Section II. Purpose

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.

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 the Division 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 the most significant disabilities are those who have two or more areas of functional loss requiring multiple services over a period of six months or more, either for the provision of the required service, or for the duration of the use of a provided good.
- B. **Priority Category II:** Individuals who have been determined by DVR to have significant disabilities are those who have one area of functional loss requiring multiple services over a period of six months or more, either for the provision of a required service, or for the duration of the use of a provided good.
- C. **Priority Category III:** Eligible persons determined by the Division to have one or more areas of functional loss not requiring multiple services over an

extended period of time shall be classified in Priority Category III as having less-significant disabilities.

**Section IV. Order of Selection for Services (OSS)—
Key Requirements**

- A. All eligible persons shall, after determination of eligibility, be classified by Priority Category. The OSS 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 OSS.
- 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 OSS Priority Categories.

Section V. Notification of Classification

If an applicant is placed in a restricted Priority Category, s/he must be notified in writing of:

- A. Eligibility for services;
- B. The Priority Category in which he or she has been placed; and
- C. The Priority Categories within the OSS which are open for services.

Such written notification shall include information on procedures to appeal a Priority Category classification, 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 Division 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. The Division 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 the Division at least quarterly.
- C. Whenever it is determined that Division 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 the Division. The Division 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 OSS, with input from the State Rehabilitation Council, shall take place at least annually.