

PROVIDIONS OF VOCATIONAL REHABILITATION SERVICES

22 VAC 30-20-90. Order of selection for services.

A. In the event that the full range of vocational rehabilitation services cannot be provided to all eligible individuals who apply for services because of insufficient resources, an order of selection system may be implemented by the commissioner following consultation with the State Rehabilitation Council ~~and the board~~. The order of selection shall determine those persons to be provided services. It shall be the policy of the department to encourage referrals and applications of all persons with disabilities and, to the extent resources permit, provide services to all eligible persons.

The following order of selection is implemented when services cannot be provided to all eligible persons:

1. Person eligible and presently receiving services under an individualized plan for employment.
2. Those persons referred and needing diagnostic services to determine eligibility.
3. Persons determined to be eligible for services shall be served according to the following order of priorities:
 - a. Priority I. An individual with a most significant disability in accordance with the definition in 22 VAC 30-20-10.
 - b. Priority II. An individual with a significant disability that results in serious functional limitations in two functional capacities.
 - c. Priority III. An individual with a significant disability that results in a serious functional limitation in one functional capacity.
 - d. Priority IV. Other persons determined to be disabled, in order of eligibility determination.

~~In each priority, preference shall be given to providing services to disabled public safety officers disabled in the line of duty.~~

B. An order of selection may not be based on any other factors, including (i) any duration of residency requirement, provided the individual is present in the state; (ii) type of disability; (iii) age, gender, race, color, or national origin; (iv) source of referral; (v) type of expected employment outcome; (vi) the need for specific services or anticipated cost of services required by the individual; or (vii) the income level of an individual or an individual's family.

C. In administering the order of selection, the designated state unit must (i) implement the order of selection on a statewide basis; (ii) notify all eligible individuals of the priority categories in a state's order of selection, their assignment to a particular category, and their right to appeal their category assignment; (iii) continue to provide all needed services to any eligible individual who has begun to receive services under an individualized plan for employment prior to the effective date of the order of selection, irrespective of the severity of the individual's disability; and (iv) ensure that its funding arrangements for providing services under the state plan, including third-party arrangements and awards under the establishment authority, are consistent with the order of selection. If any funding arrangements are inconsistent with the order of selection, the designated state unit must renegotiate these funding arrangements so that they are consistent with the order of selection.

D. Consultation with the State Rehabilitation Council must include (i) the need to establish an order of selection, including any reevaluation of the need; (ii) priority categories of the particular order of selection; (iii) criteria for determining individuals with the most significant disabilities; and (iv) administration of the order of selection.

I certify that this regulation is full, true, and correctly dated.

James A. Rothrock, M.S., L.P.C.

Commissioner

Department of Rehabilitative Services

Date: _____