

# ORDER OF SELECTION

- **Description of Order of Selection**

The Wisconsin Division of Vocational Rehabilitation implemented an Order of Selection within its VR program effective 12/5/1994.

Based on a functional assessment in each of the seven areas of life functioning, eligible individuals are assessed according to the significance of their disability, as defined in the Rehabilitation Act, section 7(21)(A):

...the term "individual with a significant disability" means an individual with a disability -

(i) who has a severe physical or mental impairment which seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(ii) whose vocational rehabilitation can be expected to require multiple services over an extended period of time; and

(iii) who has one or more physical or mental disabilities resulting from [list] ... or another disability ... to cause comparable substantial functional limitations.

## **DVR Policy on Order of Selection**

At any time that DVR resources do not permit all eligible consumers to be served, an order of selection for services shall be implemented. First priority will be given to consumers with the most significant disabilities. Second priority shall be given to consumers with significant disabilities. Third priority will be given to other eligible consumers.

### **Priority Description:**

- A consumer has a **most significant disability** if a severe mental or physical impairment exists that seriously limits three or more functional capacities in terms of an employment outcome and whose vocational rehabilitation requires multiple services over an extended period of time.
- A consumer has a **significant disability** if a severe mental or physical impairment exists that seriously limits one or more functional capacities in terms of an employment outcome and whose vocational rehabilitation requires multiple services over an extended period of time.
- **Other eligible** consumers who do not have a disability that seriously limits one or more functional capacities and do not require multiple services over an extended period of time.

## Terminology:

- **Extended period of time:** Needing VR services for duration of **six months or more** with a 90 day follow up after achieving a successful rehabilitation outcome.
- **Multiple services:** **Two or more** primary services needed to achieve a successful rehabilitation outcome.

Consumers seeking supported employment services consumers must meet the criteria for and be assessed as having a Most Significant Disability. Consumers who receive Title II or Title IX from Social Security (SSI or SSDI) must be assessed as having at least a significant disability.

After a consumer is found eligible for VR services, an order of selection determination is completed. Additional evaluations or assessments to make this determination may be needed. The VR counselor and consumer jointly determine the consumer's order of selection priority category by evaluating the consumer's functional limitations and anticipated need for rehabilitation services.

This policy does not affect a consumer who has begun to receive services under an approved individualized plan for employment prior to the implementation date of order of selection, or those who are in need of post-employment services.

All consumers must be officially notified of their individual order of selection determination. Consumers not immediately activated for development of an employment plan are offered referral services and the option to be placed on a waiting list until employment plan development services can be initiated. Consumers on the wait list are contacted annually to determine if additional information is available and if they wish to continue on the Wait List. As staff and funds become adequate, those waitlisted in Category 1, (Most Significant Disability) are activated first, followed by Category 2 (Significant Disability), then Category 3 (other eligible consumers).

- **Simplifying the Waiting List selection process in FFY10**

The Wisconsin Rehabilitation Council recommends to DVR revisiting an earlier recommendation to simplify the OOS process when the OOS wait list reaches a point with a small or no waiting list. The WRC recommends counting limitations, without an additional step of judging the severity of the limitation as a simplification that would reduce staff time spent on assignment to a waiting list and the perception that Order of Selection is subjective.

DVR agrees with the WRC that FFY10 anticipated reductions in the wait list present an opportunity to review the Order of Selection system to consider simplification. The discussions will include the WRC recommendation to consider counting limitations as the method of determining OOS category assignment.

At the August 2009 meeting of the Policy Academy, DVR management presented the WRC recommendation for consideration. The expectation is that during FFY10 a decision on the OOS changes will be made and, if changes are adopted, implemented when the wait time for individuals assigned to Category 2 (significant disabilities) is less than 1 month.

- **Justification of the Order of Selection**

**Staff and Fiscal Resources:**

In October 2004 (FFY05) a decision to assign all new applicants to the OOS wait list and not activate anyone from the list was made due to insufficient funding resources. As a result the total consumers on the OOS wait list exceeded 13,000 by July, 2005.

In FFY06, with a significant increase in state match funds, wait list service invitations were issued and the monthly wait list numbers decreased significantly. By the beginning of FFY 07, there was no wait for employment plan services for applicants with the most significant (category 1) and significant (category 2) disabilities and a short wait for those with non-significant consumers. Consequently the OOS wait list decreased to only non-significant consumers (category 3).

During FFY '08 eligible applicants with the most significant disabilities experienced no wait for plan development services and persons with significant disabilities experienced a wait of no longer than 9 months while the wait for individuals with non-significant disabilities was indefinite.

During FFY '09 eligible applicants with the most significant disabilities again experienced no wait, individuals with significant disabilities experienced a wait of no longer than 11 months, and the wait period for those with non-significant disabilities remained indefinite.

Due to the availability of state match and ARRA funds, during the latter portion of FFY '09 and throughout FFY10, the DSU anticipates maintaining the OOS wait list for eligible applicants in all three OOS categories. During FFY10 the DSU anticipates maintaining for a third consecutive year no wait for employment plan services for eligible applicants with the most significant disabilities, a wait period of no longer than 6 months for those with significant disabilities, and an indeterminate wait for services will continue for individuals determined to have non-significant disabilities.

A notification letter is completed and sent to every consumer at the time the eligibility and OOS Category determination is made. The DSU Senior Leadership Team (SLT) manages the Order of Selection process using the following method:

- At least once a month the Bureau of Consumers Services (BCS) and the Senior Leadership Team (SLT) complete a statewide analysis of the resources available to DVR and determines the number of eligible consumers that can be supported for IPE development.
- When resources make it possible, the Director of the Bureau of Consumer Services sends a list of eligible consumers to be contacted to start IPE development activities.
- This list contains the names of consumers who have been determined eligible for DVR services on or before the date specified on the list.
- Consumer names are listed starting with those with the most significant disabilities (OOS Category 1) and in the order that they applied for DVR services.

- If more consumers can be contacted for IPE development than the number of consumers in OOS Category 1, the IPE development contact list will include OOS Category 2 consumers, by order of application date. The same will be done with OOS Category 3 consumers, if we exhaust the names of OOS Category 2 consumers.
- The list also contains a due date by which staff are to contact and take action on each case.
- This process automatically and seamlessly moves to the next OOS Category on the DVR Waiting List depending on how many consumers can be served with the resources available at the time.

### Interaction of Staff and Fiscal Resources

The DSU anticipates having \$46.8 million available in case service resources for FFY '10. This resource amount includes FFY09 carryover and ARRA funds. The DSU will continue to monitor actual caseload size and service expenditures and make monthly adjustments using the Order of Selection process.

- **Outcomes and Annual Service Goals by Category**

For the period October 1, 2009, through September 30, 2010, the following projections apply:

<b>Order of Selection Category</b>	<b>Projected Numbers</b>	<b>Projected Expenditures</b>	<b>Projected Rehabilitations (employment outcomes)</b>
1) Most Significant	<b>9,083</b>	<b>\$ 19,323,976</b>	<b>1260</b>
2) Significant	<b>22,282</b>	<b>\$ 24,817,428</b>	<b>1529</b>
3) Other Eligible	<b>1696</b>	<b>\$ 1,177,357</b>	<b>10</b>
4) Pre-OOS, Applicants On Hand and Those on OOS Wait List	<b>5439</b>	<b>\$ 66,936</b>	<b>1</b>
<b>Total</b>	<b>38500</b>	<b>\$ 45,385,698</b>	<b>2800</b>

FFY '08 began in October 2007 with no wait for DVR services and a monthly average individual plan for employment (IPE) caseload of 16,800. Increases in OOS wait listing during FFY08 and FFY09 resulted in a decrease in the IPE caseload to a monthly IPE caseload low of 12,400.

Significantly lowered IPE caseloads (the WDVR employment outcome pipeline) coupled with the FFY09 downturn in Wisconsin's economy and the simultaneous increase in the state's unemployment rate negatively impacted the FFY09 employment outcome goal. As challenging economic and employment conditions are anticipated to continue in FFY10, the projected FFY10 employment outcome is projected to be 2,800 which will exceed the number of FFY09 employment outcomes.