



EDUCATION AND
LABOR CABINET



KY Office of Vocational Rehabilitation (OVR) Order of Selection

Public Hearing Overview of OOS 2025

kcc.ky.gov/Vocational-Rehabilitation

Order of Selection Overview

Definitions and KY OVR Implementation

What is an Order of Selection

- An Order of Selection is a process to follow when an agency has determined there are not enough available resources to serve all individuals with disabilities in the state.
- If a vocational rehabilitation agency is unable to serve all eligible individuals, that state must put into place an Order of Selection.
- Essentially, an Order of Selection is meant to assess and prioritize an individual's needs and then determine their category of service based upon the assessment findings.
- In an Order of Selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services.

What is the purpose of an Order of Selection?

- The utilization of the Order of Selection is the appropriate mechanism as defined within the Rehabilitation Act for VR programs to manage the consumer caseload when there is insufficient funding or staffing to support the demand.
- OVR's Rehabilitation Services Administration liaison has reinforced that the Order enforces the intent of the Rehabilitation Act to serve those customers with the Most Significant Disabilities.
- Utilizing the Order will allow OVR time to adjust programs and implement additional cost saving measures under the assumption that flat funding may continue.

Federal Regulations on Implementing OOS

34 CFR Part 361.36 Ability to serve all eligible individuals; order of selection for services (in part):

- The designated State unit must determine, prior to the beginning of each fiscal year, whether to establish and implement an order of selection
- In accordance with criteria established by the State for the order of selection, individuals with the most significant disabilities will be selected first for the provision of vocational rehabilitation services; and
- (B) Individuals who do not meet the order of selection criteria will have access to services provided through the information and referral system established under §361.37; and
- (v) State whether the designated State unit will elect to serve, in its discretion, eligible individuals (whether or not the individuals are receiving vocational rehabilitation services under the order of selection) who require specific services or equipment to maintain employment, notwithstanding the assurance provided pursuant to paragraph (3)(iv)(A) of this section.

Federal Regulations (Prohibited Factors)

****Factors that cannot be used in determining order of selection of eligible individuals.**** An order of selection may not be based on any other factors, including—

1. Any duration of residency requirement, provided the individual is present in the State;
2. Type of disability;
3. Age, sex, race, color, or national origin;
4. Source of referral;
5. Type of expected employment outcome;
6. The need for specific services except those services provided in accordance with 361.36(a)(3)(v), or anticipated cost of services required by an individual; or
7. The income level of an individual or an individual's family.

Steps to Implement OOS

(1 of 2)

- Agency leadership along with Cabinet fiscal staff reviewed financial resources, long-range fiscal forecasting, personnel projections, etc.
 - Based on the above information it was determined that the full range of services can no longer be provided to all eligible consumers and OOS is necessary.
 - Priority categories were reviewed but no definitions were changed.
- The Rehabilitation Services Administration (RSA) was notified.
- Agency leadership consulted with the Technical Assistance Center on Quality Management (TAC-QM), State Rehabilitation Council (SRC), Client Assistance Program (CAP) and internal leadership.
- A presentation was made to the Kentucky Statewide Council for Vocational Rehabilitation on January 27, 2025.
- Public comments are required, and 30 days has been allotted for this. The comment period opened on 1/27/2025 after the SRC meeting and will end on 2/27/25.

Steps to Implement OOS

(2 of 2)

- A written amendment with the proposed policy changes to be submitted to RSA.
- In the meeting materials and attached in the Zoom Q & A you will find a draft of the proposed policy changes discussed today.
- A final draft will be submitted to RSA once all public comments have been received.
- The amendment will request closure of priority categories 2, 3 and 4.
- Statewide training will be provided to OVR staff.

OVR History Under Order of Selection

This is not the first time that the agency has been in Order of Selection. The most recent occurrence was from July 1, 2016, until October 1, 2020.

On October 1, 2020, the agency began serving all categories.

- We do not have a date for the 2025 OOS Implementation.

What are the OOS Categories in KY?

Priority Category 1: Eligible individuals with a most significant disability and that limits three (3) or more functional capacities.

Priority Category 2: Eligible individuals with a most significant disability that limits two (2) functional capacities.

Priority Category 3: Eligible individuals with a significant disability that limits one (1) functional capacity.

Priority Category 4: Eligible individuals with a non-significant disability.

What are the current functional limitations?

- **MOBILITY** - limitations moving efficiently from place to place
- **SELF CARE** - limitations in skills needed to fulfill basic needs related to health, safety, hygiene, and financial management
- **WORK TOLERANCE** - limitations carrying out physical and/or cognitive work tasks in an efficient and effective manner over a sustained period of time
- **INTERPERSONAL SKILLS** - limitations interacting in a socially acceptable, mature manner with colleagues and the public to facilitate the normal flow of work activities
- **WORK SKILLS** - limitations in critical skills needed to carry out essential work functions such as functional academics, motor skills, processing speed, memory, and communication
- **COMMUNICATION** - limitations accurately and efficiently transmitting or receiving information verbally or non-verbally
- **SELF-DIRECTION** - limitations in planning, initiating, and monitoring behavior with respect to a desired outcome that serves to benefit the individual

These limitations are standard across states.

Why did this happen?

Increased costs

Cost increases

- Costs of goods and services have increased exponentially.
- **Increase in number of referrals and consumers being served.**
- Services fee increases were implemented
- Raises were provided and it did increase personnel costs.
- State agencies were flat funded in the VR grants.

Increased Services

- Applications increased from 6,297 in 2021 to 12,310 in 2024. **This was a 95% increase.**
- Eligibilities increased from 5,606 in 2021 to 11,335 in 2024. **This is a 102% increase.**
- Employment Outcomes increased from 2,756 in 2021 to 4,915 in 2024. **This is a 78% increase.**
- Expenditures increased from 2021 23,296,462 to 40,178,804 in 2024. **This is a 72% increase.**

2024 Priority Category Associated Costs & Numbers Served

Priority Category	Number Served	Associated Costs
Category 1	10,549	\$28,898,721
Category 2	3,897	\$10,533,482
Category 3	262	\$705,346
Category 4	5	\$11,286

What Other Cost Saving Measures Were Implemented?

OOS was not the only consideration when working toward budget resolution.

Cost Savings Measures

(1 of 3)

- Personnel Actions discontinued and future vacancies will be scrutinized for necessity before seeking to fill.
- All purchases not consumer related are being reviewed to ensure essential purchases only.
- Capital projects are now limited to those required for mechanical or programmatic necessity.

Cost Savings Measures

(2 of 3)

- All agency funded out-of-state travel for staff has been discontinued.
- In state travel for consumer services continue. In state travel requests not associated with consumer services is being reviewed for necessity.
 - Prioritization of virtual options for meetings, trainings and other team required interactions.

Cost Savings Measures

(3 of 3)

- The agency will reinstate Cost Sharing for all consumers.
 - The agency suspended Cost Sharing in 2022 but maintained the process of collecting information and consumers were informed during their VR process that Cost Sharing could be initiated based on budget needs.
 - Forms, policies, procedures and training have all been completed for this process.

Order of Selection Closure Impact

KY OVR OOS Impact

OOS Impact

Kentucky Office of Vocational Rehabilitation

program is impacted by Order of Selection
on a STATEWIDE level.

OOS Closure, Anticipated Effective Date

- The agency does not currently have a confirmed effective date for operating under the closed order of selection.

How will the implementation work? *(1 of 2)*

- What is the impact on existing consumers?
 - Existing consumers that have an IPE completed by the finalized implementation date will continue to receive services.
- OVR will continue to meet with new consumers to complete an application, determine if they are eligible for OVR services and assign them to a category on the Order of Selection.

How will the implementation work? (2 of 2)

- Consumers who meet the criteria for Priority Category 1 will move to plan implemented when they sign their IPE.
- Those determined eligible under all other categories will be placed on a waiting list for vocational rehabilitation services . They will have the option to DEVELOP their Individualized Plan for Employment (IPE), but it cannot be IMPLEMENTED until they are removed from the wait list. They also have the choice to wait and develop their IPE when they are removed from the wait list.

Consumers who have an IPE Implemented

- Existing consumers who already have an IPE implemented by an OOS date will not have a disruption in services.
- For all consumers with approved IPE's...
 - VR services will continue as planned via IPE
 - All services listed on an existing IPE will continue

NEW REFERRALS

- Upon receipt of referral, a counselor will schedule a meeting to complete an application for OVR services. At the application meeting, the applicant will be informed about OOS and the possibility that they may be placed on a wait list.
- The counselor will process the application and determine eligibility within 60 days, or longer if an extension is needed and agreed to by the consumer.
- If the individual is determined eligible, they will be assigned to a Priority Category based on their functional limitations.

For Current OVR Consumers without Active IPEs

- Consumers assigned to Priority Category 1 will be notified of their eligibility and provided a meeting to develop their IPE. Consumers assigned to Priority Categories 2, 3 or 4 will be placed on the wait list.
- The consumer, placed on the wait list will receive written notification along with contact information for other employment programs for which they may qualify. They will also be informed of how to appeal the priority category assigned.

For New OVR Applicants

- Consumers in Priority Category 2, 3 or 4 who do not have an IPE for services in place by OOS implementation will automatically be placed on a waiting list for services.
- If eligibility is not determined by OOS implementation, OVR will continue to determine if consumers are eligible for VR services and assign them to a category.
- Any eligibility determination made after OOS implementation, or beyond that includes Priority Category 2, 3 or 4 will result in the consumer being placed on a waiting list for services.

Written Notification of OOS Priority Category

Each consumer placed on a waiting list will be notified in writing of:

- The priority category definitions;
- Their priority category assignment;
- The possibility of reclassification if OVR is alerted to a change in the individual's circumstances or due to misclassifications; and
- The right to appeal the priority category assignment through informal or formal review and of the availability of assistance from the Client Assistance Program (CAP).
- Contact information for other employment programs that may be able to assist them.

When will consumers come off the wait list?

- OVR will evaluate its ability to serve consumers on a quarterly basis.
- When financial resources are available, first priority will be given to consumers in Priority Category 2, second priority to those in Priority Category 3, and third priority to those in the Priority Category 4.
- This ensures that available services are prioritized for individuals with the most significant disabilities.
- When a category is opened, consumers who have been placed on a wait list will be released based on the date they applied, with the oldest application dates being released first.

Ticket to Work Information

Please note that any Ticketholders who do not meet the order of selection may be able to work with an Employment Network for services. They can also be directed to the WIPA program and/or ky.db101.org for benefit information.

Stakeholder Impact and FAQs

I am a provider, what is the impact?

- Authorized services may continue under a current IPE for active consumers.
- **No new consumers should begin receiving services until the provider receives written prior authorization.**
- OVR will evaluate its ability to serve consumers on a quarterly basis and if consumers are brought into the system and approved for services, you will receive a **written** authorization for these services
- Providers who are unsure of whether or not services can be provided to specific individuals, should contact their local OVR office on a case-by-case basis. Services must not be provided to individuals whose written authorization service delivery dates have ended.

I am an employer, what is the impact? *(1 of 2)*

OVR Business services staff will continue to provide business services activities such as:

- Outreach and consultation on disability work related topics
- Job Development (for consumers who have an individualized plan for employment in place)
- Job Placement (for consumers who have an individualized plan for employment in place)

I am an employer, what is the impact? *(2 of 2)*

- For an employee who needs assistance but is not a current OVR consumer with an IPE in place, the consumer will be provided information about other community providers that may be able to assist them.
- If you have questions about workplace accommodations or the Americans with Disabilities Act (ADA), connect with the Job Accommodation Network (JAN) by calling (800) 526-7234 (voice) or (877) 781-9403 (TTY) or visiting the [JAN website](#).

Impact on Pre-Employment Transition Services (Pre-ETS) and General Transition Services

Pre-Employment Transition Services (Pre-ETS)

Pre-ETS are intended to provide students with a generalized early start to job exploration. The 5 Required Pre-ETS include:

1. Self-Advocacy Instruction
2. Counseling On Postsecondary Options
3. Job Exploration Counseling
4. Work Based Learning Experiences
5. Workplace Readiness Training

Pre-ETS Criteria

Pre-employment Transition Services are for students:

- Between the ages of 14-21
- Enrolled in secondary or post-secondary education
- Have an Individualized Education Plan (IEP), 504 Plan, or have a documented disability.

I am a student, what is the impact on PRE-ETS?

- Potentially eligible students will continue to receive Pre-ETS. Potentially eligible students **are not impacted by the closing of priority categories.** Potentially Eligible Students **who apply for Vocational Rehabilitation Services** are not exempt from the Order of Selection requirements.
- If the student received Pre-ETS prior to being placed in a closed priority category, they may continue to receive Pre-ETS if they meet the definition of a student with a disability. If the Student did not receive Pre-ETS prior to being placed in a closed priority category, they may not receive Pre-ETS while in a closed category.

I am in school/student, what is the impact on Individualized Education Plan meetings?

OVR staff will continue to attend IEP meetings for potentially eligible students and students with OVR cases for the period of time that certain priority categories are closed.

Conclusion

- This concludes the formal presentation, and I'll now turn it back to our facilitator, Susie Edwards.