

	<b>BULLETIN</b> <b>COMMONWEALTH OF PENNSYLVANIA</b>  Department of Human Services Department of Labor & Industry		
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<b>SUBJECT: OVR Referrals During a Period when OVR's Order of Selection is Closed</b>			
<b>BY:</b>   Kristin Ahrens, Deputy Secretary for Office of Developmental Programs (ODP)	<b>BY:</b>   Shannon Austin, Executive Director for Office of Vocational Rehabilitation		

**SCOPE:**

Individuals and Families  
 County/Administrative Entity Administrators and Directors  
 State Center Directors  
 Supports Coordination Organizations and Agencies  
 Providers of Employment-Related Services funded through the Consolidated Waiver,  
 Person/Family Directed Support (P/FDS) Waiver, Community Living Waiver, Adult  
 Autism Waiver (AAW) and base-funding

**PURPOSE:**

The purpose of this bulletin is to supplement the guidance provided in ODP Bulletin 00-19-01, OVR Referral Process for ODP Employment-Related Services, regarding requirements for when individuals must be referred to the Office of Vocational Rehabilitation (OVR). This bulletin identifies the procedures to be used during a period when OVR is operating under a closed order of selection.

**BACKGROUND:**

OVR provides vocational rehabilitation services to individuals with disabilities to help them prepare for, secure, retain, advance in, or regain employment consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

Under federal law, state vocational rehabilitation programs that do not have sufficient funding or personnel to provide services to everyone who is eligible must set priorities to serve those with the most significant disabilities. OVR has been operating under this prioritization, called an order of selection, since March 1, 1994.

When OVR temporarily closes the order of selection and creates a waiting list for new OVR customers in all priority categories, services will continue for current OVR customers with an Individualized Plan for Employment (IPE), as well as Pre-employment Transition Services for students with disabilities, as required by federal law.

When OVR receives a referral during a closed order of selection, OVR counselors will meet with applicants to complete the application, inform them about the order of selection closure, and provide them with resources that can assist them while they are on the waiting list. Eligibility for OVR services will be determined within 60 days of the application date.

After an eligibility determination has been made, customers will be informed of their assignment to an order of selection priority category and put on the waiting list based on their application date. OVR will determine when to open each category based upon financial resources, and will evaluate the ability to open categories on a quarterly basis.

Once funding is available, if OVR is unable to serve everyone in a specific category, customers who have been waiting the longest to receive services based on application date will be able to proceed with the development and implementation of their IPE.

## **DISCUSSION:**

In order to continue to support individuals with disabilities in accordance with the Employment First Act (62 P.S. §§ 3401 – 3409), ODP and OVR have developed the following procedures to be used during periods where the order of selection is closed.

Unless otherwise specified below, the process for OVR referrals included in ODP Bulletin 00-19-01, or its successor, must be followed.

The closure of the OVR order of selection affects the request for and authorization of the following ODP employment-related services funded through ODP's Waivers or base-funding:

- Consolidated, P/FDS and Community Living Waivers and base-funding:
  - Advanced Supported Employment;
  - Supported Employment; and
  - Education Support.
- Adult Autism Waiver
  - Supported Employment; and
  - Career Planning.

Prior to adding one of the above services to an individual's Individual Support Plan (ISP), the Supports Coordinator must determine the status of the individual's case with OVR.

The following individuals may receive an ODP employment-related service listed above during the closure of the order of selection **without a referral to OVR**:

- An individual who has never been referred to OVR.
- An individual who has been determined ineligible for OVR services, at any time.
- An individual who has had his or her case closed with OVR, for any reason, **prior to the effective date of the closure** of the OVR order of selection.

In addition, an individual who has been referred to OVR, but does not have an approved IPE may receive ODP employment-related services.

**Individuals who have an open case and an approved IPE with OVR as of the effective date of the closure of the order of selection** will continue to be served by OVR. An individual whose case is closed by OVR after the effective date of the closure of the order of selection, may receive ODP employment-related services listed above unless their case is closed for one of the following reasons:

- Reason Code 17 – Unable to Locate or Contact: Individual has relocated or left the State without a forwarding address, or when the individual has not responded to repeated attempts to contact the individual by mail, telephone, text, or e-mail.
- Reason Code 18 – No Longer Interested in Receiving Services or Further Services: Individuals who choose not to participate or continue in their VR program at this time. Also use this code to indicate when an individual's actions (or non-actions) make it impossible to begin or continue a VR program. Examples would include repeated failures to keep appointments for assessment, counseling, or other services.
- Reason Code to be developed by the Rehabilitation Services Administration (OVR is using Reason Code 19 in the interim): Individual has been determined ineligible for OVR services based on the individual's informed choice to not pursue competitive integrated employment after completing an application for services and an intake interview, being counseled on the benefits of competitive integrated employment, and receiving an overview of OVR services available to support the individual.

If an individual's case is closed by OVR after the effective date of the closure of the order of selection for one of the above-listed reasons, that individual must be re-referred to OVR and follow the requirements in ODP Bulletin 00-19-01, or its successor, prior to receiving ODP employment-related services.

For all other situations, Supports Coordinators should make individuals aware that they may choose to be referred to OVR at any time. An individual who chooses to be referred to OVR and is placed on a waiting list may receive ODP-funded services during the period they are on the OVR waiting list. If an individual is on an OVR waiting list and services become available, the individual can choose to receive services from OVR or continue to receive ODP employment-related services.

An individual who begins to receive one of the ODP employment-related services listed above during a period when the OVR order of selection is closed does not need to have a

referral to OVR to reauthorize the service, if there is no break in the individual receiving the service.

## DOCUMENTATION

### **I. INDIVIDUALS WHO HAVE NEVER BEEN REFERRED TO OVR:**

If, through a review of the individual's file and interview with the individual and members of the individual's ISP team, the Supports Coordinator determines that an individual has never been referred to OVR, the Supports Coordinator should document the following information in a service note and in the Educational/Vocational Information section of the ISP:

1. The individual or the individual's representative has indicated that the individual has never had a referral to OVR.
2. The request for the ODP employment-related services was made during a time when OVR's order of selection is closed.

### **II. INDIVIDUALS WHO HAVE BEEN DETERMINED INELIGIBLE FOR OVR SERVICES OR HAVE A CLOSED OVR CASE:**

If the individual is receiving Consolidated, P/FDS, or Community Living Waiver services, or base-funded services and the individual has been determined ineligible for OVR services or has a closed OVR case, the Supports Coordinator must forward a copy of the OVR letter that documents that the individual is ineligible for OVR services or that OVR has closed the individual's case to the County/Administrative Entity.

If the individual is receiving AAW services, the Supports Coordinator must send a copy of the OVR letter that documents that the individual is ineligible for OVR services or that OVR has closed the individual's case to the Bureau of Autism Services (BAS) Regional Office Representative.

The Supports Coordinator, County/Administrative Entity, and BAS Regional Office must keep a copy of the eligibility determination letter or case closure letter in the individual's file as documentation of compliance with the ODP Waivers' requirement for referral to OVR and document the receipt of the letter in a service note.

The Supports Coordinator should document in a service note and in the Educational/Vocational Information section of the ISP that the request for the ODP employment-related service is being completed during a time when OVR's order of selection is closed.

### **III. INDIVIDUALS WHO HAVE AN OPEN CASE WITH OVR BUT DO NOT HAVE AN APPROVED IPE:**

If an individual was previously referred to OVR and does not have documentation of ineligibility or case closure, the Supports Coordinator should contact the OVR counselor to determine if the individual's case is still open with OVR and if the individual has an approved IPE. If the Supports Coordinator determines that the individual has an open

case with OVR, but does not have an approved IPE, the Supports Coordinator should document the following information in a service note and in the Educational/Vocational Information section of the ISP:

1. The name of the OVR counselor and the date of verbal or written verification that the individual does not have an approved IPE.
2. The request for the employment-related services was made during a time when OVR's order of selection is closed.

**ATTACHMENTS:**

Attachment 1 – OVR Referral Table for ODP Employment Services

Attachment 2 – Process for Employment Services When OVR's Order of Selection is Closed