

**WAC 67-25-193 Eligibility—Order of selection.** (1) The purpose of an order of selection is to establish an equitable and organized system which, when resources are not sufficient to meet the demand for services, gives priority to those eligible vocational rehabilitation individuals who are most in need of services.

(2) When the order of selection is in effect, eligible individuals will be assigned to one of three priority categories:

(a) Immediate priority: New applicants who meet eligibility criteria of at least significant disability, and who require immediate services or tools to maintain a current job;

(i) Only the immediate services or tools required to maintain the current job can be provided under this immediate priority;

(ii) Once the immediate services or tools are provided and the job is stable, any further service provision requires being placed on the waitlist and served in the priority and order for the significance of disability category that the individual qualifies for;

(b) First priority: New applicants who meet eligibility criteria of most significantly disabled, per WAC 67-25-183.

(c) Second priority: New applicants who do not meet the definition of most significantly disabled, per WAC 67-25-183.

(3) The department's executive director shall decide when to implement an order of selection, if necessary, and will determine which priority categories will be open or closed for the development of new individualized plans for employment. In the event sufficient funds or other resources become available to serve all eligible individuals, the order of selection will be revoked by the director.

(4) Eligible individuals can develop and carry out an individualized plan for employment based on:

(a) The priority of the category to which they are assigned;

(b) Whether or not that category is open for development of new plans; and

(c) The order in which they applied for vocational rehabilitation services as indicated by the date of application.

(5) Eligible individuals will be placed in the highest priority category for which they are qualified. The date of application will be used whenever it is determined that a waiting list is required for a category.

(6) Eligible individuals will be notified in writing of their category status when they are notified of their eligibility, as well as of the conditions pertaining to that category:

(a) Whether the category is currently open or closed.

(b) The current status of an existing waiting list within that category.

(7) (a) The only services to individuals in a closed order of priority category will be information and referral services. These individuals will not receive counseling and guidance, assessment and training, job placement, or other vocational rehabilitation services until their category is reopened, they come off the waiting list and they complete an individualized plan for employment with an agency vocational rehabilitation counselor.

(b) Preemployment transition services as described in WAC 67-25-290 may be available to qualified students with a disability without consideration for priority categories or waitlists for the duration of an order of selection for the department.

(8) Eligible individuals will be notified of the right to appeal the category decision, in accordance with WAC 67-25-600, and of their

responsibility to notify the department if their situation changes in a way that may affect their priority category placement.

(9) Participants who are receiving services under an individualized plan for employment at the time an order of selection is implemented will continue to receive services as planned. They are not subject to the order of selection and are not a category within that order.

(10) The order of selection will not affect the provision of services needed to determine eligibility for vocational rehabilitation services, in accordance with WAC 67-25-125.

[Statutory Authority: P.L. 113-128 and 34 C.F.R. Part 361. WSR 18-14-101, amended and recodified as § 67-25-193, filed 7/3/18, effective 8/3/18. Statutory Authority: Chapter 74.18 RCW. WSR 05-08-097, § 67-25-460, filed 4/4/05, effective 5/5/05. Statutory Authority: Federal Regulatory Authority for Order of Selection Rehabilitation Act of 1973, as amended, Section 101 (a) (5). 34 Code of Federal Regulations Part 361 Sec. 361.36 Ability to serve all eligible individuals; order of selection for services. Regulatory Authority for Information and Referral Services Rehabilitation Act of 1973, as amended, Section 101 (a) (20) Information and Referral services. 34 Code of Federal Regulations Part 361 Sec. 361.37 Information and referral services. The Rehabilitation Act of 1973, As Amended, Title I - Vocational Rehabilitation Services, Part A - General Provisions, Section 100 - Declaration of Policy. WSR 01-21-073, § 67-25-460, filed 10/18/01, effective 11/18/01.]