

MEMORANDUM

DATE: November 26, 2008

TO: Mr. Ed Tos, Deputy Director
Division of Vocational Rehabilitation

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: DVR Order of Selection Policy

The State Council for Persons with Disabilities (SCPD) has reviewed the Division of Vocational Rehabilitation's (DVRs) October 29, 2008 letter in response to Council's October 24th memorandum. SCPD has the following observations on the responses.

First, SCPD recommended "fleshing out" the I&R and counseling sections of the policy. DVR indicates that "(l)anguage was added to support this requirement." Reliance is also placed on the Disability Navigator Program.

Second, SCPD recommended an explicit recital that the Order of Selection does not affect diagnostic and evaluation services. DVR agreed and added a provision.

Third, SCPD recommended incorporation of an explicit "grandfather" provision for existing clients. DVR indicates that "this information has been added to the policy".

Fourth, SCPD recommended that DVR defer to other State agency findings that an applicant meets SSDI/SSI medical eligibility criteria. DVR declined to adopt this approach but will use other agency findings as "a resource in making appropriate decisions".

Fifth, SCPD recommended incorporation of a standard contemplating review of the policy and its implementation by the State Rehabilitation Council. DVR indicates that the SRC was involved in the "development of policies". DVR did not address prospective review by the SRC to assess implementation.

Sixth, SCPD recommended inclusion of referral information to the DLP for SSI/SSDI beneficiaries affected by the policy. DVR agreed to "make arrangements to obtain and distribute

[DLP] materials with materials from the Client Assistance Program.”

Seventh, SCPD identified a potential problem if DVR and DVI orders of selection have different eligibility criteria since disability-based distinctions are barred by RSA regulations. DVR indicates that RSA will review the State Plan amendment for compliance with federal standards.

Eighth, SCPD promoted adoption of an objective assessment system and sharing of findings with applicants. DVR responded that “(c)ounselors will document specific information about applicable functional limitations (and)...(c)lients will be informed of the results of these determinations...(and) have access to the record of such determination.”

Ninth, DVR did address the suggestion that SSI/SSDI beneficiaries be given priority status within categories. For example, an SSI/SSDI beneficiary in the SD category could be given precedence over non-SSI/SSDI beneficiaries within the SD category. This would promote implementation of the federal Ticket-to-Work initiative.

I recommend that the Councils take the following action: 1) thank DVR for responding to Council suggestions, 2) solicit a copy of the final policy; and 3) solicit consideration of the option identified in the “Tenth” paragraph above. This concept was proffered through the GACEC’s October 24 letter (Par. 4.b.) and the SCPD’s October 24 memo (Par. 4). Thank you for the opportunity to comment and please contact SCPD if you have any questions or comments regarding our observations and recommendations on the draft policies.

cc: Ms. Andrea Guest
Ms. Harriet Ann Litwin
Mr. Brian Hartman, Esq.
Client Assistance Program
State Rehabilitation Council
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

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