

#### **10A NCAC 89C .0604 PROCEDURES**

- (a) The Division Director upon determining that the Division does not have sufficient resources to provide services to all eligible individuals shall implement an Order of Selection.
- (b) The Division Director shall set the date for statewide implementation of an Order of Selection and provide written notification to Division staff, all cooperative programs and vendors.
- (c) Eligible individuals who are already receiving services under an Individualized Plan for Employment (IPE) at the time the order of selection is implemented shall not be subject to the order of selection process. Their rehabilitation programs shall continue until their records of service are closed.
- (d) When an Order of Selection is implemented, the Division shall provide written notification to all eligible individuals assigned to a priority category who do not have a signed Individualized Plan for Employment (IPE).
- (e) In determining an eligible individual's priority category for order of selection as set out in Rule .0603 of this Section, Division staff shall review existing data regarding the seriousness of limitations in functional capacity areas as related to the individual's disability(ies) and the problems those limitations pose in terms of an employment outcome.
- (f) The Division shall serve individuals in Priority Category One first and individuals in the other priority categories in descending order down through Priority Category Six according to the availability of resources. Within each category an individual's rank in that category is determined by the individual's application date. The individual that applies first is served first.
- (g) Individuals in applicant status prior to implementation of the order of selection and whose priority category classification is below the categories accepted for services when the individuals are determined eligible shall be placed on a waiting list until their priority category is opened for services.
- (h) Individuals determined eligible after the order of selection for services is implemented shall receive services if they are classified in the categories accepted for services or shall be placed on a waiting list if their classification places them in a category not currently being served.
- (i) Eligible individuals for whom rehabilitation services have not been planned under an Individualized Plan for Employment prior to the implementation of the order of selection and whose classification is below the categories accepted for service shall be placed on a waiting list.
- (j) When the order of selection is implemented, all individuals whose priority category classification places those individuals on a waiting list shall be notified in writing of their status. When services are made available to any category in which individuals are on a waiting list, the Division shall notify individuals in that priority category that their rehabilitation program can be developed and implemented.
- (k) When the Division Director has determined that the Division has sufficient resources to serve all eligible individuals, the Division shall provide written notification to all eligible individuals, Division staff, all cooperative programs and vendors on the waiting list, that the implementation of an order of selection has ended.
- (l) The Division shall provide services to all priority categories when the implementation of an order of selection has ended.

*History Note:* Authority G.S. 143-545A; 143-546A; P.L. 102-569, s. 101(a)(5)(A); 34 C.F.R. 361.36;  
Eff. October 1, 1994;  
Amended Eff. July 1, 1998;  
Temporary Amendment Eff. January 26, 2003; May 1, 2002;  
Amended Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.