

Latest

"MOST SIGNIFICANT DISABILITY"

Definition and Explanation

Disability must be a result of one or more physical or mental impairment(s) resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, and end-stage renal disease, or another disability or combination of disabilities as listed on the Certification of Eligibility to cause comparable substantial functional limitation.

Criteria for Most Significant Disability

An individual with a disability which...

1. seriously limits three (3) or more functional capacities in terms of work, and
2. is not likely to be corrected through surgical intervention and/or other treatment modes.

Functional Capacities. Limitations on three or more of the following functional capacities are used to determine "Most Significant Disability."

1. **Mobility** means an individual's physical access to his or her environment, either through his or her own ability (actions) or with the assistance of others. Mobility also includes transportation to and from worksite. The functional capacity of mobility is seriously limited when the individual:
 - a. Due to disability, has no independent mobility and must use a mobility device (wheelchair, walker, scooter) or requires a personal care assistant.
 - b. Due to physical, cognitive, or mental disability, is unable to independently drive, arrange or use public transportation.
 - c. Due to disability, has limitation(s) in balance and gross motor coordination; (clumsiness or accident proneness)
 - d. Due to disability, is unable to climb one flight of stairs or walk 100 yards without a pause.
 - e. Due to disability, is unable to lift, reach, carry, grasp objects, push or pull; or
 - f. Due to disability, requires rehabilitation engineering for home, vehicle, or work modifications.
2. **Communication** means the individual's ability to express himself or herself through speech and/or the ability to receive and process communication. The functional capacity of communication is seriously limited when the individual:
 - a. Due to disability, cannot communicate without hearing aids(s) and/or adaptive equipment; interpreter, e-mail, or relay services.
 - b. Due to disability, cannot speak or spoken language is unintelligible.

- c. Due to disability, is unable to control inappropriate communication due to cognitive dysfunction or mental illness (may say bizarre things, hear voices, repeat self incessantly, and/or inappropriate comments); or
 - d. Due to disability, cannot focus, concentrate, or understand what is being communicated.
- 3. **Self-Care** means the ability to conduct the essential activities of daily living unassisted by another individual. The functional capacity of self-care is seriously limited when the individual:
 - a. Due to disability, requires personal assistance with dressing, bathing, eating, toileting, grooming, preparing meals, transferring from bed to chair; or
 - b. Due to disability, requires supervision or personal assistance services with money management (banking, balancing a checkbook, or making change).
- 4. **Self-Direction** means the capacity to organize structure and manage activities required to obtain and maintain employment. The functional capacity of self-direction is seriously limited when the individual:
 - a. Due to cognitive dysfunction or mental illness, requires ongoing prompts or assistance to understand and remember instructions.
 - b. Due to cognitive dysfunction or mental illness, requires ongoing prompts or assistance in concentration and persistence to stay on task; or
 - c. Due to cognitive dysfunction or mental illness, requires customized technology to accommodate the lack of concentration, to remember instructions, or to understand instructions.
- 5. **Interpersonal Skills** mean the individual's ability to interact in a socially acceptable manner at work with coworkers, supervisors, peers, and the public. The functional capacity of interpersonal skills is seriously limited when the individual:
 - a. Due to disability, does not accept instructions and does not respond appropriately to feedback from supervisors.
 - b. Due to disability, does not get along with coworkers or peers; or
 - c. Due to disability, does not maintain socially appropriate behavior at work based upon what would be normally accepted in a work environment.
- 6. **Work Tolerance** means the ability to carry out tasks in an efficient and effective manner over a sustained period. The functional capacity of work tolerance is seriously limited when the individual:
 - a. Due to disability, is unable to carry out work tasks without the intervention of job coaching or natural supports to perform work activities.
 - b. Due to disability, is unable to sustain mental, cognitive, or physical activities in a work environment without the use of individualized accommodation or customized rehabilitation technology; or
 - c. Due to disability, unable to work around certain substances or certain environments.
- 7. **Work Skills** means the specific job skill required to learn and carry out work functions. The functional capacity of work skills is seriously limited when the individual:
 - a. Due to disability, is limited or unable to retain new information or new learning without assistance; or
 - b. Due to disability, can only learn work skills through constant repetition.

SIGNIFICANT AND MOST SIGNIFICANT DISABILITIES CHAPTER 7

7.00 **Emphasis.** In keeping with the Rehabilitation Act of 1973 as amended, the Division prioritizes the provision of services to eligible individuals with the most significant disabilities.

7.01 **Determination and Documentation.** After eligibility determination, there must be an assessment and documentation in the case record of significance of disability. [Reference Section 7.06]

Disability must be a result of one or more physical or mental impairment(s) resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, deafness, head injury, heart disease, hemiplegia, hemophilia, respiratory or pulmonary dysfunction, intellectual disability, mental illness, multiple sclerosis, muscular dystrophy, musculoskeletal disorders, neurological disorders (including stroke and epilepsy), paraplegia, quadriplegia and other spinal cord conditions, sickle cell anemia, specific learning disability, and end-stage renal disease, or another disability or combination of disabilities as listed on the Certification of Eligibility to cause comparable substantial functional limitation.

The counselor will identify:

- severe impairments which seriously limit one or more functional capacities,
- the vocational rehabilitation services needed to address those impairments, and
- an estimate of the time that services will be provided to reach competitive integrated employment outcome.

This will provide the information needed to determine the level of significance of the individual's disability.

7.02 **Criteria for Most Significant Disability (Category 1).** An individual with a disability which...

1. seriously limits three (3) or more functional capacities in terms of work,
2. requires three (3) or more primary services, and
3. services must be provided over an extended period of time (at least 12 months), and
4. is not likely to be corrected through surgical intervention and/or other treatment modes.

7.03 **Criteria for Significant Disability (Category 2).** An individual with a disability which...

1. seriously limits one or two functional capacities in terms of work,
2. requires two or more primary services, and
3. services must be provided over an extended period of time (at least 6 months).

Or

4. the individual is a recipient of Social Security Disability Benefits (SSDI) or Supplemental Security Income (SSI) as a result of disability or blindness.

7.04 **Criteria for Individual with a Disability (Category 3).** An individual with a disability which...

1. does not seriously limit functional capacity in terms of work and/or
2. services are expected to last less than 6 months.

7.05 **Definitions**

1. Primary services do not include assessment services cited in the IPE. Each service, if provided alone, could reasonably be expected to directly benefit the individual in terms of competitive integrated employment outcome. (See List of Primary and Support Services)

- a. **Primary Services:** Major services that are necessary to prepare the eligible individual for employment. Primary services include counseling and guidance, training, treatment and job placement. Primary services must be both appropriate and reasonable.
- b. **Support Services:** Services that support a primary service. Support services are never provided alone, but are provided in conjunction with a primary service. Support services must be both appropriate and reasonable.

7.06 **Functional Capacities.** Limitations on the following functional capacities are used to determine the level of significance of disability. These limitations are derived from the individual's impairments listed on the Certification of Eligibility. [Reference Chapter 6, Section 6.07] (See Functional Capacity Assessment Guide for Counselors)

1. **Mobility** means an individual's physical access to his or her environment, either through his or her own ability (actions) or with the assistance of others. Mobility also includes transportation to and from worksite. The functional capacity of mobility is seriously limited when the individual:
 - a. Due to disability, has no independent mobility and must use a mobility device (wheelchair, walker, scooter) or requires a personal care assistant;
 - b. Due to physical, cognitive or mental disability, is unable to independently drive, arrange or use public transportation;
 - c. Due to disability, has limitation(s) in balance and gross motor coordination; (clumsiness or accident proneness)
 - d. Due to disability, is unable to climb one flight of stairs or walk 100 yards without a pause;
 - e. Due to disability, is unable to lift, reach, carry, grasp objects, push or pull; or
 - f. Due to disability, requires rehabilitation engineering for home, vehicle, or work modifications.
2. **Communication** means the individual's ability to express himself or herself through speech and/or the ability to receive and process communication. The functional capacity of communication is seriously limited when the individual:
 - a. Due to disability, cannot communicate without hearing aids(s) and/or adaptive equipment, interpreter, e-mail, or relay services;

- b. Due to disability, cannot speak or spoken language is unintelligible;
 - c. Due to disability, is unable to control inappropriate communication due to cognitive dysfunction or mental illness (may say bizarre things, hear voices, repeat self incessantly, and/or inappropriate comments); or
 - d. Due to disability, cannot focus, concentrate, or understand what is being communicated.
3. **Self-Care** means the ability to conduct the essential activities of daily living unassisted by another individual. The functional capacity of self-care is seriously limited when the individual:
- a. Due to disability, requires personal assistance with dressing, bathing, eating, toileting, grooming, preparing meals, transferring from bed to chair; or
 - b. Due to disability, requires supervision or personal assistance services with money management (banking, balancing a checkbook, or making change).
4. **Self-Direction** means the capacity to organize structure and manage activities required to obtain and maintain employment. The functional capacity of self-direction is seriously limited when the individual:
- a. Due to cognitive dysfunction or mental illness, requires ongoing prompts or assistance to understand and remember instructions;
 - b. Due to cognitive dysfunction or mental illness, requires ongoing prompts or assistance in the area of concentration and persistence to stay on task; or
 - c. Due to cognitive dysfunction or mental illness, requires customized technology to accommodate the lack of concentration, to remember instructions, or to understand instructions.
5. **Interpersonal Skills** mean the individual's ability to interact in a socially acceptable manner at work with coworkers, supervisors, peers and the general public. The functional capacity of interpersonal skills is seriously limited when the individual:
- a. Due to disability, does not accept instructions and does not respond appropriately to feedback from supervisors;
 - b. Due to disability, does not get along with coworkers or peers; or
 - c. Due to disability, does not maintain socially appropriate behavior at work based upon what would be normally accepted in a work environment.
6. **Work Tolerance** means the ability to carry out tasks in an efficient and effective manner over a sustained period of time. The functional capacity of work tolerance is seriously limited when the individual:
- a. Due to disability, is unable to carry out work tasks without the intervention of job coaching or natural supports to perform work activities;
 - b. Due to disability, is unable to sustain mental, cognitive or physical activities in a work environment without the use of individualized accommodation or customized rehabilitation technology; or
 - c. Due to disability, unable to work around certain substances or certain environments.

7. **Work Skills** means the specific job skill required to learn and carry out work functions. The functional capacity of work skills is seriously limited when the individual:
 - a. Due to disability, is limited or unable to retain new information or new learning without assistance; or
 - b. Due to disability, can only learn work skills through constant repetition.

7.07 Order of Selection. In the event that the Division will be unable to serve all eligible individuals, the DVR Director shall make a determination as to the categories that will be served. The determination will be based on staffing patterns, available funds, projected referrals, number of eligible individuals, and caseloads. The DVR Director shall have sole authority for implementation of an Order of Selection.

The Division has the option to serve eligible individuals in need of specific services or equipment for the purpose of maintaining employment, regardless of their assignment to a priority category.

1. Priority Categories in the Order of Selection - Upon the completion of the assessment of the eligible individual, the counselor shall make a determination as to the significance of the disability and the appropriate priority category. The priority categories are:
 - a. Category I. Individuals with the most significant disabilities [See 7.02]
 - b. Category II. Individuals with a significant disability [See 7.03]
 - c. Category III. All other individuals with a disability [See 7.04]
2. The Division shall continue to provide all necessary services to individuals who have begun to receive services under an IPE prior to the effective date of the order of selection, irrespective of the severity.
3. The Order of Selection permits immediate reclassification into a higher priority category when there is a change resulting in additional functional limitations that require additional primary services and/or length of time.
4. The Order of Selection shall not regulate the provision or authorization of diagnostic and trial work services.
5. Documentation that supports the priority category assignment must be contained in the case record.
6. Individuals placed in a category not receiving services shall have all options fully explained in writing at the time of designation. The written explanation shall include the individual's rights of appeal and information regarding referral to other programs or agencies that may assist them.
7. The counselor and individual will discuss the options available to those who have been placed on the waiting list. Options include:
 - a. case closure;

- b. placement on a waiting list, and if not processed from the waiting list follow up after one year.